

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by
Progress Energy Florida, Inc.

Docket No. 050078-EI
Submitted for filing July 7, 2005

PROGRESS ENERGY FLORIDA, INC.'S
SIXTH MOTION FOR TEMPORARY PROTECTIVE ORDER

Progress Energy Florida, Inc. ("PEF"), by and through undersigned counsel, hereby moves pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, for entry of a temporary protective order covering confidential supplemental documents sought in discovery by the Office of Public Counsel ("OPC") and as grounds therefore states as follows:

In its First Request for Production (Nos. 1-75) and its Third Request for Production (Nos. 108-124), OPC has requested confidential information, specifically, portions of the documents produced in response to Request Nos. 71 and 110. PEF's supplemental responses to these requests contain confidential studies which concern proprietary business information and were prepared by third parties. Further, PEF has a contractual obligation with these third parties to not disclose the proprietary business information contained in the studies. Disclosure of the confidential studies to the public, to PEF's suppliers, or to PEF's competitors would adversely impact PEF's competitive business interests and impair PEF's efforts to contract for good or services on favorable terms. Specifically, if PEF's suppliers, investors, or competitors were made aware of the

confidential studies, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provision of goods, materials, and services.

WHEREFORE, PEF requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to information identified as confidential and produced in supplemental response to OPC's First Request for Production and OPC's Third Request for Production, instructing Public Counsel to continue to treat it as confidential, and requiring Public Counsel to provide PEF with notice of its intent to use such confidential information in connection with the hearing in accord with the prehearing order governing procedure.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this 7th day of July, 2005 to all counsel of record as indicated below.



Attorney

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