

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 070007-EI
ORDER NO. PSC-07-0237-PCO-EI
ISSUED: March 16, 2007

ORDER GRANTING PROGRESS ENERGY FLORIDA'S
MOTION FOR TEMPORARY PROTECTIVE ORDER

On March 31, 2006, Progress Energy Florida ("PEF") filed a request for confidential classification of portions of Exhibit DJR-1 of the prefiled direct testimony of Daniel J. Roeder, concerning PEF's petition to recover costs through the environmental cost recovery clause (Document No. 02883-06). Thereafter, on April 26, 2006, PEF filed a Motion for Temporary Protective Order pursuant to Rule 25-22.006(6), Florida Administrative Code, covering certain documents sought in discovery by the Office of Public Counsel ("OPC"). PEF stated that the OPC requested that it be permitted to take possession of Exhibit DJR-1. The utility seeks exemption from the Public Records Law, section 119.07(1), Florida Statutes, for those documents to be provided to the OPC. No party timely filed a response to PEF's motion.¹ By Order No. PSC-07-0175-CFO-EI, issued February 23, 2007, the Commission granted confidential classification to portions of Exhibit DJR-1.

PEF's Motion for Temporary Protective Order of the confidential documents in portions of Exhibit DJR-1 of the prefiled direct testimony of Daniel J. Roeder, is granted. The information has been granted confidential classification and will be protected from disclosure pursuant to Rule 25-22.006(6), Florida Administrative Code.

Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that the Motion for Temporary Protective Order filed by Progress Energy Florida is granted.

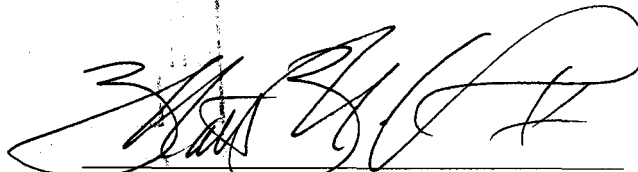
¹ The Request was filed in Docket No. 060007-EI.

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 16th
day of March, 2007.



MATTHEW M. CARTER II
Commissioner and Prehearing Officer

(SEAL)

MCB/pz

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.