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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Fuel and Purchased Power Cost
Recovery Clause with Generating
Performance Incentive Factor

Docket No. 070001-EI

Submitted for Filing: May 14, 2007


PROGRESS ENERGY FLORIDA, INC.'S
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 documents and information sought in discovery by the Office of Public Counsel ("OPC") and as grounds therefore states as follows:

1. In its First Request for Production (No. 1), question #1, OPC has requested confidential information, specifically, all confidential documents that have been filed by PEF in this docket or provided to staff for informational or audit purposes.

2. In this docket, PEF has filed FPSC Form 423 Fuel Reports for the months of November 2006, December 2006, and January 2007. Portions of the FPSC Form 423 Fuel Reports contain proprietary confidential business information concerning contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms. PEF also filed Exhibit JM-1T to the direct testimony of Joseph McCallister. This exhibit contains proprietary confidential business information concerning competitively negotiated contractual data, the disclosure of which would impair the efforts of the Company or its affiliates to negotiate fuel supply contracts on favorable terms. In addition, the FPSC is currently conducting two audits; a Fuel Audit and a Capacity Cost

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Recovery Clause Audit. Portions of the documents produced in response to these audits contain proprietary confidential business information concerning competitively negotiated contractual data, the disclosure of which would impair the efforts of the Company or its affiliates to negotiate fuel supply contracts on favorable terms.

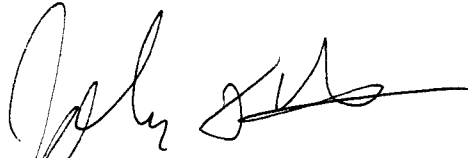
3. PEF has requested appropriate confidential protection of these documents by means of a Request for Confidential Classification or a Notice of Intent to Request Confidential Classification.

4. The aforementioned documents filed in this docket and produced to FPSC auditors and sought by OPC should be afforded confidential treatment because portions of the responses to these requests contain confidential information relating to PEF's competitive interests. Public disclosure of the information in question would compromise PEF's competitive business interests by disclosing sensitive business information and would compromise PEF's efforts to contract for goods and services on favorable terms.

5. These documents meet the criteria of proprietary confidential business information under Florida Statutes §366.093 and Rule 25-22.006, F.A.C. This information has not been disclosed or released to the public and should be afforded confidential classification.

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 response to OPC's First 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.

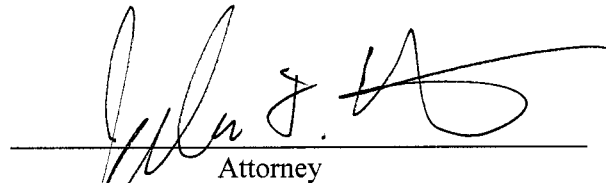
Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Motion for Temporary Protective Order, in Docket No. 070001-EI has been furnished by regular U.S. mail to the following this 14th day of May, 2007.



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