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 Subject: Docket 090079  
 Attachments: PEF'S 8TH MOTION FOR TEMP PROTECTIVE ORDER.pdf



PEF'S 8TH  
MOTION FOR TEMP P

Docket 090079

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

1. This filing is made by

Jeanne Costello on behalf of Dianne Triplett Carlton Fields, P.A.  
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2. This filing consists of four (4) pages.

3. This filing is made on behalf of Progress Energy Florida, Inc.

4. The document being filed is Progress Energy Florida, Inc.'s Eighth Motion for Temporary Protective Order.

- COM \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- RCP \_\_\_\_\_
- SSC \_\_\_\_\_
- SGA \_\_\_\_\_
- ADM \_\_\_\_\_
- CLK Kim Pena

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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IN RE: PETITION FOR INCREASE IN  
RATES BY PROGRESS ENERGY  
FLORIDA, INC.

Docket No. 090079-EI  
Submitted for filing: June 22, 2009

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**PROGRESS ENERGY FLORIDA, INC.'S EIGHTH  
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 Ninth Set of Requests for Production of Documents (Nos. 222-228), specifically number 224, OPC has requested the discovery of confidential information the disclosure of which could harm PEF's competitive business interests and would violate contractual confidentiality provisions.

2. Specifically, the responses to request 224 include project specific information including budgetary plans, risk analyses, potential alternatives considered by the Company, and other confidential competitive business information. Such information, if made available to the public, could place PEF at a competitive disadvantage with respect to competitors when attempting to contract for like services, as well as parties with which PEF would hope to contract in the future. If market participants possessed PEF's confidential information they would be able to adjust their behavior in the market place thereby changing the prices at which PEF is able to contract for such services. See § 366.093(3)(e), Fla. Stat.

5. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, direct that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by Public Counsel as confidential and shall be exempt from the public records law, Section 119.07(1), Florida Statutes. PEF, by this motion, is seeking protection of all confidential information that PEF will produce to OPC in this matter pursuant to OPC's Ninth Set of Requests for Production of Documents (Nos. 222-228), as more specifically stated above. PEF has recorded the appropriate objections to providing such confidential, proprietary business information, and will provide documents and information responsive to these requests marked as confidential subject to this motion, the law, Commission rules, and PEF's objections. By following this procedure and producing this information, PEF is not waiving its right to seek further relief as necessary to make certain that its confidential, proprietary, business information is not publicly disclosed.

6. PEF further requests that in connection with the entry of a temporary protective order, the Commission also require Public Counsel to provide PEF with notice of its intent to use such confidential information in connection with the hearing in this matter.

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 Ninth Set of Requests for Production of Documents (Nos. 222-228), specifically number 224, 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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Respectfully submitted,

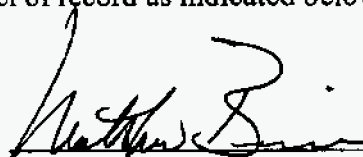


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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via electronic and U.S. Mail to the following counsel of record as indicated below on this 22<sup>nd</sup> day of June, 2009.

  
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