

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Progress Energy Florida, Inc.'s)
petition for approval of storm cost) Docket No.: 041272-EI
recovery clause for extraordinary)
expenditures related to Hurricanes)
Charley, Frances, Jeanne, and Ivan.) Submitted for Filing: January 11, 2005
 _____)

PROGRESS ENERGY FLORIDA, INC.'S
THIRD 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) for entry of a temporary protective order covering confidential documents sought in discovery by the Office of Public Counsel ("OPC") and as grounds therefore states as follows:

1. In its Second Request for Production of Documents (Nos. 12-21), OPC has requested confidential documents that are responsive to Request 20 and Request 21. The confidential information in those documents is sensitive, proprietary business information that has been treated as such by PEF, its parent and affiliates, and is information that PEF keeps confidential.
2. 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, Chapter 119.07(1), Florida Statutes. PEF, by this motion, is seeking protection of all confidential documents that PEF will produce to OPC in this matter pursuant to OPC's Second Request for Production of Documents, Request 20 and Request 21. PEF has recorded the appropriate objections to providing such confidential, proprietary

business information, and will provide documents 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 these documents, 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.

3. 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 documents 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 documents identified as confidential and produced in response to OPC's Second Request for Production of Documents, Request 20 and Request 21, instructing Public Counsel to continue to treat them as confidential, and requiring Public Counsel to provide PEF with notice of its intent to use such confidential documents 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 copy of the foregoing has been furnished to the following individuals by electronic mail and regular U.S. Mail the 13th day of January, 2005.

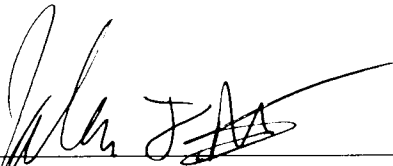
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