

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 050078-EI
Submitted for filing June 2, 2005

PROGRESS ENERGY FLORIDA, INC.'S
SECOND 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 Third Set of Interrogatories (Nos. 112-170), OPC has requested confidential information, specifically, portions of the responses to Interrogatory Numbers 136(d) and 155. Portions of the responses to these interrogatories contain confidential information relating to PEF's expected dividends and, thereby, the disclosure of such sensitive business information to the public would adversely impact PEF's competitive business interest.

2. In its Third Request for Production of Documents (Nos. 108-124), OPC has requested confidential documents, specifically, portions of the documents produced in response to Request No. 111. Portions of the response to this request for production contain confidential information relating to PEF's projected spending on equipment or

materials for years 2005 and 2006 and, thereby, the disclosure of such sensitive business information to the public would adversely impact PEF's competitive business interest.

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 Third Set of Interrogatories, 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 2d day of June, 2005 to all counsel of record as indicated below.



 Attorney

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