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**Subject:** Docket 090079  
**Attachments:** Docket 090079 PEF's 4th Motion for Temporary Protective Order.pdf; Docket 090079 PEF Notice of Service Responses OPC 3rd Interrogatories Nos. 109-156.pdf



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**<<Docket 090079 PEF's 4th Motion for Temporary Protective Order.pdf>> Do <<Docket 090079 PEF Notice of Service Responses OPC 3rd Interrogatories Nos. 109-156.pdf>> cket 090079 In re: Petition for increase in rates by Progress Energy Florida, Inc.**

**Documents submitted for filing on behalf of Progress Energy Florida, Inc.**

- 1. Progress Energy Florida, Inc.'s Notice of Service of responses to OPC's Third Interrogatories Nos. 109-156 [2 pages]; and**
- 2. Progress Energy Florida, Inc.'s Fourth Motion for Temporary Protective Order [3 pages].**

**This filing is made by:**

**Jeanne Costello on behalf of Dianne Triplett Carlton Fields, P.A.  
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**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: May 13, 2009

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**PROGRESS ENERGY FLORIDA, INC.'S FOURTH  
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. 109-156), specifically number 145, OPC has requested the discovery of confidential information the disclosure of which could harm PEF's competitive business interests.

2. Specifically, the requested information contains the current book value of a piece of land that PEF is currently offering for sale. Such information, if made available to prospective purchasers, could place PEF at a competitive disadvantage with respect to attempting to negotiate a favorable sales price for the property. If potential purchasers had PEF's confidential information, they would be able to adjust their behavior in the market place by adjusting the price of any potential offer. 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 Third Set of Interrogatories, as more specifically stated above. PEF has recorded the appropriate objections to providing such

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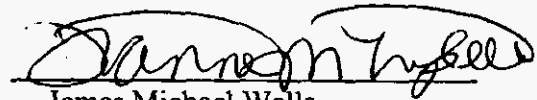
confidential, proprietary business information, and will provide documents and information responsive to these requests marked as confidential subject to this motion, the law, Commission rules, and PEF's objections. By following this procedure and producing this information, PEF is not waiving its right 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 Third Set of Interrogatories (Nos. 109-156), specifically number 145, 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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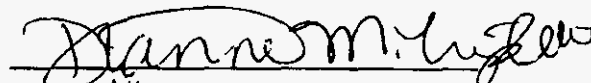
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CERTIFICATE OF SERVICE

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 13<sup>th</sup> day of May, 2009.

  
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