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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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COMMISSION
CLERK

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

Docket No. 050078-EI
Submitted for filing July 6, 2005

**PROGRESS ENERGY FLORIDA, INC.'S
FIFTH 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 (Nos. 1-75), OPC has requested
confidential information, specifically, portions of the supplemental documents produced
in response to Requests 71 and 75. Portions of the supplemental documents responsive to
Request 71 contain benchmarking studies conducted by third-parties which must be kept
confidential pursuant to contractual confidentiality provisions. Portions of the
supplemental documents responsive to Request 75 contain Progress Energy's projected
and estimated figures for short and long term debt, off balance sheet obligations,
preferred stock, and common equity, along with other sensitive business information that
PEF does not make publicly available. The information at issue is proprietary
confidential business information that would impair Progress Energy's competitive

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business interests if it were disclosed to the public, Progress Energy's suppliers, or to Progress Energy's competitors. Specifically, if Progress Energy's suppliers, investors, or competitors were made aware of Progress Energy's estimated figures for short and long term debt, off balance sheet obligations, preferred stock, and common equity, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provision of goods, materials, and services.

2. In its Sixth Request for Production (Nos. 145-150), OPC has requested confidential information, specifically, portions of the documents produced in response to Requests 146, 147, and 148. Portions of PEF's responses to Requests 146 and 147 contain information concerning PEF's internal audits. Such information regarding internal auditing is protected from public disclosure by Section 366.093(3)(b), Fla. Stat. Further, portions of PEF's response to Request 148 contain confidential financial information and confidential tax information related to costs and expenses that the Company incurs as well as detail regarding the Company's revenue. Public disclosure of such information may allow PEF's suppliers and providers to decrease supply of goods and services, and/or increase the cost and prices of such goods and services. Additionally, PEF's competitors, if made aware of the financial and tax information at issue, may adjust their consumption behavior in the market, thereby potentially making goods and services less available and more expensive to PEF.

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 supplemental response to OPC's First Request for Production and in response to OPC's Sixth Request for Production, instructing Public Counsel to continue to treat it as confidential, and requiring Public Counsel to provide PEF with notice of its

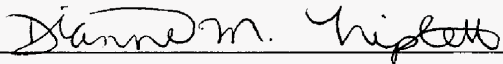
intent to use such confidential information in connection with the hearing in accord with the prehearing order governing procedure.

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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 6th day of July, 2005 to all counsel of record as indicated below.



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