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090009-EI

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Subject: Electronic Filing Docket No. 090009
Attachments: PEF 1st Motion for Temporary Protective Order.pdf

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The filing is to be made in Docket 090009-EI, In re: Nuclear Cost Recovery Clause;

The total number of pages is 4;

The attached document is Progress Energy Florida's First Motion for Temporary Protective Order.

Thank you.

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT
COST RECOVERY CLAUSE

Docket No. 090009-EI
Submitted for Filing: August 13, 2009

**PROGRESS ENERGY FLORIDA, INC.'S FIRST
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 developed by the Office of Public Counsel ("OPC") and as grounds therefore states as follows:

1. OPC and its representatives/consultants have recently reviewed and taken notes regarding the Engineering, Procurement, and Construction ("EPC") contract between PEF and the Consortium (Westinghouse Electric Company LLC and Stone & Webster, Inc.).

2. The EPC contract contains sensitive and proprietary financial, technical and other business information that the Company does not share with the public. The information in the EPC contract is also subject to contractual confidentiality provisions. The release of the confidential information contained in the EPC contract would not only violate those contractual provisions, but it would also seriously impair the Company's competitive business interests. In addition, the Consortium's business interests would be impaired if the terms of the EPC contract were publicly disclosed, because the terms of the EPC contract include the Consortium's proprietary and confidential financial, technical and other business information. Therefore, the Company would treat any notes regarding this contract, or reflecting any terms of this contract,

as proprietary and confidential, and requests that the Commission afford whatever notes OPC has made confidential classification.


3. 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 any and all notes taken by OPC or its consultants, representatives, or expert witnesses, regarding the EPC contract discussed above. PEF has recorded the appropriate objections to providing such confidential, proprietary business information. 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.

4. 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 any and all notes made by OPC and/or its representatives regarding the terms of the EPC contract, 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 accordance with the prehearing order governing procedure.

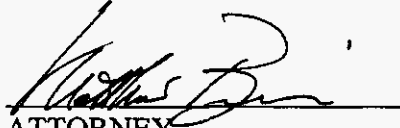
Respectfully Submitted

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 13th day of August, 2009.


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