

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power Corporation's Earnings, Including Effects of Proposed Acquisition of Florida Power Corporation by Carolina Power & Light

DOCKET NO. 000824-E1

Submitted for Filing:
October 23, 2001

**FLORIDA POWER CORPORATION'S
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Florida Power Corporation ("FPC"), 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 certain documents sought in discovery by the Office of Public Counsel and as grounds therefore states as follows:

1. On September 18, 2001, Office of Public Counsel ("OPC") served its First Set of Production Requests on Florida Power Corporation items 1-19. In connection with some but not all of these requests, OPC seeks confidential proprietary information relating to the merger of Florida Progress and its subsidiaries with Carolina Power and Light and internal business audits. The information contained in the responsive documents is sensitive, confidential, proprietary business information that has been treated as such by Florida Power, its parent and affiliates.

2. This information includes reports of internal auditors, confidential information developed to access the merger, information relating to the Company's business practices or the combination of its business practices with those of Carolina Power and Light, and contract information, that if disclosed would harm the competitive business of the company and/or the interests of the ratepayers and the company.

DOCUMENT NUMBER-DATE

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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 any party subject to the public records law as confidential and exempt from the public records law, Chapter 119.07(1), Florida Statutes. Florida Power by this motion is seeking protection of these documents and has recorded the appropriate objections to providing such confidential, proprietary business information, but will provide documents responsive to these requests marked as confidential subject to this request, these laws and its objections. By following this procedure and producing these documents, Florida Power 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. Florida Power further requests that in connection with the entry of a temporary protective Order the Commission also require any party to provide Florida Power with notice of its intent to use such confidential documents in connection with the hearing no later than 60 days prior to the hearing date.

WHEREFORE, Florida Power requests that the Commission enter an Order granting its Motion for Protective Order relating to documents identified as confidential produced in response to OPC's First Request for Production of Documents, instructing any party obtaining such confidential documents to continue to treat them as confidential, and requiring any party to provide Florida Power with notice of its intent to use such confidential documents in connection with the hearing no later than 60 days prior to the hearing date.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished via U.S. Mail to
the following this ___ day of October, 2001.

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