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 Subject: Filing Docket 090079  
 Attachments: PEF Employees Motion to Intervene.pdf



PEF Employees  
Motion to Interv.

Docket 090079

In re: Petition for Increase in Rates by Progress Energy Florida, Inc.

1. This filing is made by

Jeanne Costello on behalf of Dianne Triplett Carlton Fields, P.A.  
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2. This filing is PEF Employee's Motion to Intervene.

3. This filing consists of 3 pages.

4. This filing is made on behalf of Progress Energy Florida, Inc.

*Done  
8/10/09  
R.V.N.*

DOCUMENT NUMBER-DATE  
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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.

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Docket No. 090079-E1  
Submitted for filing: August 10, 2009

**MOTION TO INTERVENE**

Martin Drango, Mark Rigsby, Gary Roebuck and James Terry, Jr. ("PEF Employee Intervenors") move to intervene in this proceeding for the limited purpose of opposing the Motion to Compel filed by Staff in this docket on August 6, 2009, opposing any other effort to cause PEF to disclose to the Commission or other third parties the amount of movants' compensation or other personal financial information, and for the purpose of obtaining a protective order against such disclosure.

Movants have a substantial interest in this matter because, as more fully described in the accompanying Response to Motion to Compel, Motion for Protective Order, and Conditional Motion for Stay, they are protected from disclosure of personal financial information by a fundamental right of privacy guaranteed by Article I, Section 23, of the Florida Constitution. Each of the Movants has compensation which would be subject to disclosure if the Motion to Compel were granted. Movants are entitled to intervene to protect this privacy interest. *Alterra Healthcare Corp. v. Estate of Shelley*, 827 So.2d 936 (Fla. 2002) (nonpublic employees may, as intervenors, assert a privacy interest in information contained in their personnel files).

WHEREFORE, Movants ask that the Commission enter an order granting intervention for the limited purposes set forth above.

RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of August, 2009.

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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 10<sup>th</sup> day of August, 2009.

  
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