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February 21, 2002

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-VIA FEDERAL EXPRESS-

Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, Florida 32399-0850

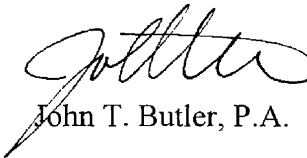
Re: Docket No. 001148-EI

Dear Ms. Bayó:

Enclosed for filing in the above docket are the original and seven (7) copies of Florida Power & Light Company's Motion for Temporary Protective Order Concerning Public Counsel's Seventh Request for Production of Documents (Nos. 183-191), together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows 2000, and the word processing software in which the document appears is Word 2000.

If there are any questions regarding this transmittal, please contact me at 305-577-2939.

Very truly yours,



John T. Butler, P.A.

Enclosure
cc: Counsel for Parties of Record (w/encl.)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of)
Florida Power & Light)
Company.)
_____)

Docket No. 001148-EI
Dated: February 21, 2002

**FLORIDA POWER & LIGHT COMPANY’S MOTION FOR
TEMPORARY PROTECTIVE ORDER CONCERNING PUBLIC COUNSEL’S
SEVENTH REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 183-191)**

Florida Power & Light Company (“FPL”), pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, F.A.C., hereby moves for the entry of a temporary protective order (the “TPO Motion”) covering certain documents sought by the Office of Public Counsel (“OPC”) in response to OPC’s Seventh Request for Production of Documents (the “Seventh Production Request”). In support of its TPO Motion, FPL states as follows:

1. On February 6, 2002, OPC served the Seventh Production Request on FPL. FPL has identified that certain documents responsive to the Seventh Production Request are confidential, proprietary business information, because they contain detailed financial information that has not been previously disclosed to the investment public (“Detailed Financial Information”).

2. The Detailed Financial Information constitutes confidential, proprietary business information, because disclosure of Detailed Financial Information could violate the United States Securities and Exchange Commission’s rules and procedures about selective disclosure of financial information. FPL intends to, and does, treat all Detailed Financial Information as confidential. FPL has previously moved for a temporary protective order with respect to Detailed Financial Information contained in its responses to OPC’s Second Request for Production of Documents. That motion is pending.

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3. Section 366.093(2), Florida Statutes and Rule 25-22.006(6), F.A.C., direct that all information produced pursuant to a discovery request for which proprietary confidential status has been sought shall be treated by OPC as confidential and shall be exempt from section 119.07(1), Florida Statutes, while OPC determines whether it will use the information in a Commission proceeding. Moreover, in ruling on motions for temporary protective orders in Gulf Power Company's rate proceeding, the Commission recently commented on the procedure to be followed in the event that OPC decides to use confidential information in the proceeding: "If the information is used in the proceeding, it will be treated as confidential as set forth in this Order. In order to maintain continued confidentiality, Gulf shall file a Request for Confidential Classification with the Commission within 21 days of the conclusion of the hearing, pursuant to Rule 25-22.006(8)(b), Florida Administrative Code." Order No. PSC-01-2392-PCO-EI, Docket No. 010949-EI.

4. FPL is by this motion seeking protection of the Detailed Financial Information as provided in section 366.093(2), Rule 25-22.006(6) and Order No. PSC-01-2392-PCO-EI. FPL has recorded the appropriate objections to producing documents containing Detailed Financial Information, but will produce those documents to OPC marked as confidential subject to this motion, the above-cited law, rule and order, and its objections. By following this procedure, FPL is not waiving its rights to seek such further relief as is necessary to ensure that the Detailed Financial Information is not publicly disclosed.

WHEREFORE, FPL moves the Commission to enter an order (i) granting its TPO Motion relating to documents containing Detailed Financial Information when such documents are identified as confidential and produced in response to OPC's Seventh Production Request,

(ii) instructing OPC to continue to treat those documents as confidential consistent with the requirements of section 366.093(2), Rule 25-22.006(6) and Order No. PSC-01-2392-PCO-EI, and (iii) requiring OPC to provide FPL notice of its intent to use any such Detailed Financial Information as required in Order No. PSC-01-211-PCO-EI, the order establishing procedure for this docket.

Respectfully submitted,

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By: 

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CERTIFICATE OF SERVICE
Docket No. 001148

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by overnight courier (*) or United States Mail this 21st day of February, 2002, to the following:

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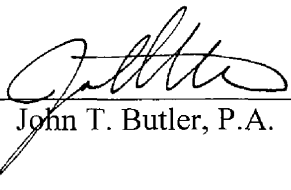
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