

Matilda Sanders

From: Elizabeth\_Carrero@fpl.com  
 Sent: Wednesday, March 09, 2005 12:07 PM  
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 Subject: Electronic Filing for Docket No. 041291-EI/ FPL's Motion to Temporary Protective Order  
 Attachments: FPL's Motion for Temporary Protective Order OPC 4th Set.3.9.05.doc



FPL's Motion  
Temporary Pi

Electronic Filing

a. Person responsible for this electronic filing:

Natalie F. Smith, Attorney  
 Florida Power & Light Company  
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 natalie\_smith@fpl.com

b. Docket No. 041291-EI

In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

c. Document being filed on behalf of Florida Power & Light Company.

d. There are a total of 4 pages.

e. The document attached for electronic filing is Florida Power & Light Company's Motion for Temporary Protective Order

(See attached file: FPL's Motion for Temporary Protective Order OPC 4th Set.3.9.05.doc)

CMP Thank you for your attention and cooperation to this request.

COM 5

CTR Elizabeth Carrero  
Secretary to Natalie F. Smith, Esq.

ECP Florida Power & Light Company

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DOCUMENT NUMBER-DATE

02362 MAR-9 05

FPLSC-COMMISSION CLERK

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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for authority to recover prudently ) Docket No. 041291-EI  
incurred storm restoration costs related to 2004 )  
storm season that exceed storm reserve balance, )  
by Florida Power & Light Company. ) Filed: March 9, 2005

**FLORIDA POWER & LIGHT COMPANY'S  
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Pursuant to Section 366.093(3), Florida Statutes, and Rule 25-22.006(6)(c), Florida Administrative Code, Florida Power & Light Company ("FPL"), hereby moves the Florida Public Service Commission (the "PSC" or the "Commission"), through the Prehearing Officer, for a temporary protective order to exempt from Section 119.07(1) certain confidential information contained in FPL's updated response to the Office of Public Counsel's ("OPC's") Fourth Request for Production of Documents (Nos. 22, 24, 33-35, 37) in the above-referenced docket, and in support states:

1. OPC has requested that it be permitted to take possession of certain of FPL's confidential, proprietary business information contained in FPL's updated response to OPC's Fourth Request for Production of Documents (Nos. 22, 24, 33-35, 37) in Docket No. 041291-EI. Such confidential information includes, but is not limited to, information concerning bids or other contractual data, the disclosure of which would harm FPL's ability to obtain goods or services on favorable terms in the future, to the detriment of FPL and its customers. Further, the

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FPSC-COMMISSION CLERK

information includes information related to competitive interests, the disclosure of which could harm the competitive business of the provider of the information. Other confidential data is employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

2. Subsection (6)(c) of the Commission's confidentiality rule, 25-22.006, provides in relevant part as follows with respect to a utility allowing OPC to take possession of utility information:

[T]he utility may request a temporary protective order exempting the information from Section 119.07(1), Florida Statutes. If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission, then Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

See Rule 25-22.006(6)(c).

3. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed to provide OPC the confidential information included in FPL's response to OPC's discovery requests.

4. FPL has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion.

WHEREFORE, for the foregoing reasons, FPL respectfully requests that the Commission enter a temporary protective order protecting against public disclosure the confidential information contained in FPL's response to OPC's Fourth Request for

Production of Documents (Nos. 22, 24, 33-35, 37) in the above-referenced docket.

Respectfully submitted this 9th day of March, 2005.

Respectfully submitted,

By: s/Natalie F. Smith  
R. Wade Litchfield  
Natalie F. Smith  
Attorneys for Florida Power & Light  
Company  
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## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Motion for Temporary Protective Order, has been furnished electronically and by United States Mail this 9<sup>th</sup> day of March, 2005, to the following:

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