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Sent: Monday, May 16, 2005 1:20 PM
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Subject: Electronic Filing for Docket No. 050045-EI/ Florida Power & Light Company's Motion for Temporary Protective Order

Attachments: Motion for Temporary Protective Order 5.16.05.doc



Motion for
porary Protec

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 050045-EI

In re: Petition for rate increase by Florida Power & Light Company

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

d. There are a total of 5 pages.

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

(See attached file: Motion for Temporary Protective Order 5.16.05.doc)

Thank you for your attention and cooperation to this request.

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FPSC-COMMISSION DE FRK

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by)
Florida Power & Light Company.)

Docket No: 050045-EI

In re: 2005 comprehensive depreciation)
study by Florida Power & Light Company.)

Docket No. 050188-EI

Filed: May 16, 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), Florida Statutes, certain confidential information in FPL's response to the Office of Public Counsel's ("OPC's") Sixth Set of Requests for Production of Documents Nos. 227, 228, 230, 231, 232, 241, and 243 in connection with FPL's Petition for Rate Increase, and in support states:

1. OPC has requested that it be permitted to inspect and potentially take possession of certain of FPL's confidential, proprietary business information in FPL's responses to OPC's Sixth Set of Requests for Production of Documents Nos. 227, 228, 230, 231, 232, 241 and 243 in Docket No. 050045-EI.

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. The confidential information, includes, but is not limited to information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. This information is exempt from the Public Records Act pursuant to Section 366.093(3)(d), Florida Statutes. Other confidential information relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. This information is exempt from the Public Records Act pursuant to Section 366.093(3)(e), Florida Statutes. In addition, certain information constitutes trade secrets. This information is exempt from the Public Records Act pursuant to Section 366.093(3)(a).

4. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed to provide OPC the confidential information in FPL's responses to Sixth Set of Requests for Production of Documents Nos. 227, 228, 230, 231, 232, 241, and 243.

5. 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 in FPL's responses to Sixth Set of Requests for Production of Documents Nos. 227, 228, 230, 231, 232, 241, and 243 in connection with FPL's Petition for Rate Increase.

Respectfully submitted this 16th day of May, 2005.

Respectfully submitted,

By: s/Natalie F. Smith
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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 16th day of May, 2005 to the following:

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