



FPL

Writer's Direct Dial:
(561) 304-5134
(561) 691-7305 (Fax)
Patrick_Bryan@fpl.com (Email)

Florida Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408-0420
Law Department

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COMMISSION
CLERK

October 19, 2005

VIA OVERNIGHT DELIVERY

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

05 OCT 20 AM 9:13
POSTAL/PROJECT CENTER

Re: Florida Power & Light Company's Request for Confidential Classification
In re: Fuel and purchased power cost recovery clause with generating
Performance incentive factor – Docket No. 050001-EI

Dear Ms. Bayó:

Enclosed for filing please find the original and one (1) copy of Florida Power & Light Company's (FPL's) Motion for Temporary Protective Order. FPL seeks through the Prehearing Officer, for a temporary protective order to exempt from Section 119.07(1) certain confidential information responsive to the Office of Public Counsel's ("OPC's") Third Request for Production of Documents served on FPL in this docket. Kindly file stamp the enclosed copy and return it in the self-address stamped envelope enclosed for your convenience.

In accord with Rule 25-22.006(c), FPL requests that the Commission enter a temporary protective order protecting against public disclosure the confidential information responsive to OPC's Third Request for Production of Documents, Nos. 3, 4, 5, 6, 7, 9, 10 and 11.

Please do not hesitate to contact me should you or your Staff have any questions regarding this filing.

Sincerely,

Patrick M. Bryan

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- GCL _____
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Fuel and purchased power)
cost recovery clause with generating)
performance incentive factor.)**
_____)

Docket No. 050001-EI

Dated: October 19, 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 responsive to the Office of Public Counsel's ("OPC's") Third Request for Production of Documents served on FPL in connection with FPL's Petition for Rate Increase, and in support states:

1. OPC has requested that it be permitted to take possession of certain of FPL's confidential, proprietary business information responsive to OPC's Third Request for Production of Documents, Nos. 3,4, 5, 6, 7, 9, 10 and 11 served on FPL in Docket No. 050001-EI. Such confidential information consists of information relating to competitive interests, the disclosure of which would impair the competitive interests of the provider of the information. This information is protected by Section 366.093(3)(e), Florida Statutes.

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 responsive to OPC's Third Request for Production of Documents, Nos. 3, 4, 5, 6, 7, 9, 10 and 11.


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 responsive to OPC's Third Request for Production of Documents, Nos. 3, 4, 5, 6, 7, 9, 10 and 11.

Respectfully submitted this 19th day of October, 2005.

John T. Butler, Esquire
Squire, Sanders & Dempsey LLP
including Steel Hector & Davis LLP
Attorneys for Florida Power & Light Company
200 South Biscayne Boulevard, Suite 4000
Miami, Florida 33131-2398
Telephone: 305-577-2939

R. Wade Litchfield, Esquire
Associate General Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
Telephone: (561) 304-5134

By: 
Patrick M. Bryan
Fla. Bar No. 0457523

CERTIFICATE OF SERVICE

Docket Nos. 050001-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Motion for Temporary Protective Order has been furnished by overnight delivery(*) or United States Mail on this 19th day of October, 2005, to the following:

Adrienne E. Vining, Esquire
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Charles J. Beck, Deputy Public Counsel(*)
Patricia A. Christensen, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esquire
James D. Beasley, Esquire
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

James A. McGee, Esquire
Progress Energy Florida, Inc.
P.O. Box 14042
St. Petersburg, Florida 33733

Timothy J. Perry, Esquire
McWhirter, Reeves,
Davidson, et al.
Attorneys for FIPUG
117 South Gadsden Street
Tallahassee, Florida 32301

Norman H. Horton, Esquire
Floyd R. Self, Esquire
Messer, Caparello & Self
Attorneys for FPUC
215 South Monroe Street, Suite 701
Tallahassee, Florida 32302-0551

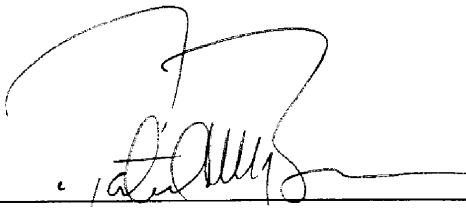
John W. McWhirter, Jr., Esquire
McWhirter, Reeves,
Davidson, et al.
Attorneys for FIPUG
P.O. Box 3350
Tampa, Florida 33602

Jeffrey A. Stone, Esquire
Russell A. Badders, Esquire
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

Jon C. Moyle, Jr. Esquire
Moyle, Flannigan, Katz,
Raymond & Sheehan, P.A.
The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301

Robert Scheffel Wright, Esquire
John Thomas LaVia, III, Esquire
Landers & Parsons, P.A.
310 West College Avenue
Tallahassee, Florida 32301

Gary V. Perko, Esquire
Hopping Green & Sams
P. O. Box 6525
Tallahassee, FL 32314

By: 
Patrick M. Bryan
FL Bar No. 0457523