

ORIGINAL

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 Subject: Electronic Filing for Docket No. 060038-EI / FPL's Motion for Temporary Protective Order
 Related to Rebuttal Exhibit of Mark Warner

Attachments: Motion for Temporary Protective Order Warner Rebuttal Exhibit.doc

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 SGA _____
 SEC 1
 OTH Kim P. Lockard



Motion for
porary Protec

Electronic Filing

a. Person responsible for this electronic filing:

Natalie F. Smith
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b. Docket No. 060038-EI

In re: Florida Power & Light Company's Petition for Issuance of a Storm Recovery Financing Order

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

d. There are a total of 4 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Motion for Temporary Protective Order Related to Rebuttal Exhibit of Mark Warner

(See attached file: Motion for Temporary Protective Order Warner Rebuttal Exhibit.doc)

Thank you for your attention and cooperation to this request.

Nanci NeSmith
 Florida Power & Light Company
 215 S. Monroe Street, Suite 810
 Tallahassee, FL 32301
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DOCUMENT NUMBER-DATE

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FPS-COMMISSION CLERK

ORIGINAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's)
Petition for Issuance of a Storm Recovery)
Financing Order)

Docket No: 060038-EI
Filed: April 17, 2006

**FLORIDA POWER & LIGHT COMPANY'S
MOTION FOR TEMPORARY PROTECTIVE ORDER TO EXEMPT FROM FLA.
STAT. §119.07(1) CERTAIN CONFIDENTIAL INFORMATION INCLUDED IN
REBUTTAL EXHIBIT OF MARK WARNER**

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 included in an exhibit to the rebuttal testimony of Mark Warner, 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 included in an exhibit to the rebuttal testimony of Mark Warner in Docket No. 060038-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 inspect or 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 contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms in the future to the detriment of FPL and its customers. This information is protected by Section 366.093(3)(d), Florida Statutes. It also includes information that 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.

(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 included in an exhibit to the rebuttal testimony of Mark Warner.

(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 included in an exhibit to the rebuttal testimony of Mark Warner.

Respectfully submitted this 17th day of April, 2006.

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By: s/ Natalie F. Smith
Natalie F. Smith, Esquire

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail and United States Mail on the 17th day of April, 2006, to the following:

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