

Timolyn Henry

From: John_Butler@fpl.com
Sent: Thursday, June 01, 2006 4:52 PM
To: Filings@psc.state.fl.us
Cc: Cochran Keating; Charles Beck; Lisa Bennett
Subject: Re: Electronic Filing for Docket No. 060362-EI - FPL motion for temporary protective order
Attachments: Motion for TPO (Gas Storage Contract Information).doc



Motion for TPO
(Gas Storage Co...

Electronic Filing

a. Person responsible for this electronic filing:

John T. Butler
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Florida Power & Light Company
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(305) 552-3867
john_butler@fpl.com

b. Docket No. 060362-EI

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

d. There are a total of 3 pages.

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

(See attached file: Motion for TPO (Gas Storage Contract Information).doc)

CMP _____

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CTR _____

ECR 1

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OPC _____

RCA _____

SCR _____

SGA _____

SEC 1

OTH Kim P. Lockard

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power & Light Company to recover costs of natural gas storage project.

Docket No: 060362-EI
Filed: June 1, 2006

**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 Commission, through the Prehearing Officer, for a temporary protective order to exempt from Section 119.07(1) the confidential information contained in the Affidavit of Gerard Yupp, including Attachments 2 and 3 to the Affidavit, which were filed in this docket as part of the Petition of Florida Power & Light Company to Recover Natural Gas Storage Project Costs through the Fuel Cost Recovery Clause (the "Gas Storage Contract Information"), and in support states:

1. When FPL filed its Petition in this docket, it designated the Gas Storage Contract Information as confidential proprietary business information, redacted that information from the publicly accessible version of the Petition, and simultaneously filed a request for confidential classification. FPL's confidentiality request is pending before the Commission.

2. OPC has requested that it be permitted to take possession of the Gas Storage Contract Information. Such confidential information consists of contractual terms and conditions. The information constitutes trade secrets of FPL and of its gas storage counterparty, Falcon Gas Storage Incorporated ("Falcon"). Maintaining its confidentiality allows FPL to contract for gas storage on favorable terms. Disclosure of the information would impair the competitive interests of FPL and Falcon, to the detriment of FPL and its customers.

The Gas Storage Contract Information is protected by Sections 366.093(3)(a), (d) and (e), Florida Statutes.

3. Subsection (6)(c) of the Commission's confidentiality rule, 25-22.006, provides in relevant part:

[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.

4. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed to in order to allow OPC to take possession of the Gas Storage Contract Information.

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

WHEREFORE, FPL respectfully requests that the Commission enter a temporary protective order protecting against public disclosure the Gas Storage Contract Information.

Respectfully submitted,

R. Wade Litchfield, Esq.
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By: /s/ John T. Butler
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 060362-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Motion for Temporary Protective Order has been furnished by electronic delivery on this 1st day of June 2006, to the following:

Wm. Cochran Keating IV, Esq *
Lisa Bennett, Esq.
Division of Legal Services
Florida Public Service Commission
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Tallahassee, Florida 32399-0850

Charles J. Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

By: /s/ John T. Butler
John T. Butler