

Matilda Sanders

From: John_Butler@fpl.com
Sent: Thursday, June 15, 2006 9:29 AM
To: Filings@psc.state.fl.us
Cc: Charles Beck; Lisa Bennett; Cochran Keating
Subject: Electronic Filing for Docket No. 060362-EI - FPL motion for temporary protective order

Attachments: Motion for TPO (Confidential Response Information).doc



Motion for TPO
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Electronic Filing

a. Person responsible for this electronic filing:

John T. Butler
Senior Attorney
Florida Power & Light Company
9250 West Flagler Street
Miami, FL 33174
(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 4 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 (Confidential Response Information).doc)

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FPSC-COMMISSION CLERK

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 15, 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) confidential information contained in responses by FPL to Staff discovery requests (formal and informal) in connection with the above docket (the "Confidential Response Information"), and in support states:

1. The Office of Public Counsel ("OPC") has made a general request to take possession of Confidential Response Information that is generated in the course of FPL's responding to Staff's formal and informal discovery requests in this docket.

2. At the present time, the only Confidential Response Information that FPL has generated is in response to Staff's late-filed data requests made at the May 30, 2006 informal conference. On June 13, 2006, FPL filed a notice of intent to seek confidential classification with respect to confidential responses to those requests (specifically, FPL considers the responses to late-filed data requests 2, 3, 4, and 7 to be confidential). FPL anticipates that there will be additional Confidential Response Information generated in response to future requests, and FPL will seek confidential classification for any such Confidential Response Information.

3. The Confidential Response Information generated in response to late-filed data

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requests 2, 3, 4 and 7 constitutes: trade secrets of FPL's gas storage counterparty, Falcon Gas Storage Incorporated ("Falcon"); security-sensitive information; information concerning bids or other contractual data, the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms; and information relating to competitive interests, the disclosure of which would impair the competitive businesses of FPL and/or Falcon. Accordingly, the Confidential Response Information generated in response to late-filed data requests 2, 3, 4, and 7 is protected by Sections 366.093(3)(a), (c), (d) and (e), Florida Statutes. FPL expects that future Confidential Response Information will be proprietary confidential business information pursuant to one or more of those same subsections of Section 366.093.

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

5. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed in order to allow OPC to take possession of existing and future Confidential Response Information.

6. 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 existing and future Confidential Response Information, as described above, against public disclosure.

Respectfully submitted,

R. Wade Litchfield, Esq.
Associate General Counsel
John T. Butler, Esq.
Senior Attorney
Law Department
Florida Power & Light Company
9250 West Flagler Street
Miami, Florida 33174
Telephone: 305-552-3867
Fax: 305-552-3865

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 15th day of June 2006, to the following:

Wm. Cochran Keating IV, Esq.
Lisa Bennett, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
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