

Matilda Sanders

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 Sent: Friday, July 21, 2006 2:57 PM  
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 Subject: Re: Electronic Filing for Docket No. 060001-EI -- FPL's motion for temporary protective order

Attachments: Motion for TPO (Confidential FCR Filings).doc



Motion for TPO  
(Confidential F...

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 060001-EI

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, including the certificate of service for same.

(See attached file: Motion for TPO (Confidential FCR Filings).doc)

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COFH   Kim P. Lockard  

DOCUMENT NUMBER-DATE  
 06451 JUL 21 08  
 FPSC-COMMISSION CLERK

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor )  
\_\_\_\_\_ )

DOCKET NO. 060001-EI

FILED: July 21, 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) those documents that FPL has filed with the Commission on a confidential basis in this docket (the "Confidential Filings"), and in support states:

1. The Office of Public Counsel ("OPC") has made a general request to take possession of all Confidential Filings that FPL has made in this docket.

2. FPL has made the following Confidential Filings, which are referenced as they appear in the Commission's electronic docket list:

- 04988-06 06/09/2006 FPL (Litchfield) - (CONFIDENTIAL) Attachment A; Form 423-1(a) for 3/06; and Forms 423-2, 2(a) and 2(b) for SJRPP for 3/06.
- 04418-06 05/19/2006 FPL (Litchfield) - (CONFIDENTIAL) Attachment A, Form 423-1(a) for 2/06; and Forms 423-2, 2(a) and 2(b) for SJRPP for 2/06.
- 03770-06 04/28/2006 FPL (Litchfield) - (CONFIDENTIAL) Attachment A, which is FPL's 1/06 Form 423-1(a) and SJRPP's 1/06 Forms 423-2, 2(a), and 423-2(b).
- 03767-06 04/28/2006 FPL (Litchfield) - (CONFIDENTIAL) Attachment A, which is FPL's 12/05 Form 423-1(a) and SJRPP's 12/05 Forms 423-2, 2(a), and 2(b).

DOCUMENT NUMBER-DATE

06451 JUL 21 06

FPSC-COMMISSION CLERK

- 02955-06 04/03/2006 FPL (Butler) - (CONFIDENTIAL) Certain information on fuel hedging activities and market comparisons contained in documents GJY-1 and GJY-2 to prepared testimony of Gerard Yupp.
- 01888-06 03/03/2006 FPL (Smith) - (CONFIDENTIAL) Certain portions of staff's fuel cost recovery clause audit report and working papers (Audit No. 04-023-4-1). [See documents 04848-04 and 05637-04]
- 01798-06 03/01/2006 FPL (Butler) - (CONFIDENTIAL) Certain information on short-term capacity payments contained in Schedule A12 of Appendix II to prepared testimony of K.M. Dubin.
- 01682-06 02/27/2006 FPL (Litchfield) - (CONFIDENTIAL) Certain information in Forms 423-1(a), 2(a), and 2(b) for 11/05.
- 01406-06 02/17/2006 FPL (Litchfield) - (CONFIDENTIAL) Certain information on Forms 423-1(a), 2, 2(a), and 2(b) for month 10/05.
- 00596-06 01/23/2006 FPL (Butler) - (CONFIDENTIAL) Responses to staff's 10th set of interrogatories (Nos. 85, 86, 88, 89, 90, 92, and 93).

3. The Confidential Filings listed in Paragraph 2 above constitute: trade secrets; 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 for the benefit of its customers; and information relating to competitive interests, the disclosure of which would impair the competitive businesses of FPL and/or its counterparties. Accordingly, those Confidential Filings are protected by Sections 366.093(3)(a), (d) and (e) of the Florida Statutes.

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 the Confidential Filings.

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 the Confidential Filings, as described above, against public disclosure.

Respectfully submitted,

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By: /s/ John T. Butler  
John T. Butler  
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**CERTIFICATE OF SERVICE**

**Docket No. 060001-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 21<sup>st</sup> day of July 2006, to the following:

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