

Matilda Sanders

ORIGINAL

From: John_Butler@fpl.com
 Sent: Wednesday, August 23, 2006 3:44 PM
 To: Filings@psc.state.fl.us
 Cc: Alex Glenn, Esq. ; Charles Beck; Patty Christensen, Esq.; damund.williams@tyndall.af.mil; Jeffrey Stone, Esq.; James Beasley, Esq.; John LaVia, III, Esq.; John McWhirter, Jr., Esq.; John Burnett; karen.white@tyndall.af.mil; Lee Willis, Esq.; Joseph A. McGlothlin; Harold Mclean; miketwomey@talstar.com; nhorton@lawfla.com; Russell Badders, Esq.; Robert Scheffel Wright, Esq.; Tim Perry, Esq.
 Subject: Electronic Filing for Docket No. 060001-EI -- FPL's motion for temporary protective order
 Attachments: Motion for TPO (Responses to OPC's 1st PODs).doc



Motion for
 (Responses to
 Electronic Filing

a. Person responsible for this electronic filing:

John T. Butler
 Senior Attorney
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 304-5639
 john_butler@fpl.com

b. Docket No. 060001-EI

c. Document is 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 (Responses to OPC's 1st PODs).doc)

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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: August 23, 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 the Office of Public Counsel's ("OPC's") First Request for Production of Documents (Nos. 1-4) in the above docket (the "Confidential Response Information"), and in support states:

1. OPC's Request for Production of Documents No. 2 asks FPL to produce documents related to damage to, and subsequent leak in, the pressurizer piping at Turkey Point Unit 3. That damage (a drilled hole) appears to have been inflicted on the pressurizer piping deliberately, and it is the subject of investigations by law enforcement agencies. Accordingly, FPL treats information related to the incident as confidential for security reasons.

2. OPC's Request for Production of Documents No. 4 asks FPL to produce backup documentation for FPL's Exhibit GJY-1, pages 1 through 39, which was filed in this docket on April 3, 2006 and which reports the 2005 results of FPL's fuel hedging program. In Order No. PSC-06-0564-CFO-EI, dated June 30, 2006, the Commission granted confidential classification to Exhibit GJY-1 because it "constitutes '[i]nformation concerning bids or other contractual

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FPSC-COMMISSION CLERK

data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms' and '[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.'" FPL submits that the backup documentation for Exhibit GJY-1 is confidential for the same reasons.

3. For the reasons just described, the Confidential Response Information constitutes proprietary confidential business information and is protected by Sections 366.093(3)(c), (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 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 the 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
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-304-5639
Fax: 561-691-7135

By: /s/ John T. Butler
John T. Butler
Fla. Bar No. 283479

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 23rd day of August 2006, to the following:

Lisa Bennett, Esq.
Wm. Cochran Keating IV, 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

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

John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

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

Norman H. Horton, Jr., Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
P.O. Box 1876
Tallahassee, Florida 32302-1876

John W. McWhirter, Jr., Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
Tampa, Florida 33602

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

Capt. Damund E. Williams
Lt. Col. Karen S. White
AFLSA/JACL - ULT
139 Barnes Drive
Tyndall Air Force Base, FL 32403-5319

Michael B. Twomey, Esq.
Post Office Box 5256
Tallahassee, Florida 32314-5256
Attorney for AARP

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Young van Assenderp, P.A.
Attorneys for Florida Retail Federation
225 South Adams Street, Suite 200
Tallahassee, FL 32301

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