

ORIGINAL

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 Sent: Monday, September 18, 2006 2:53 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 (Responses to OPC's 2nd PODs - FCR).doc



Motion for
 (Responses to
 Electronic Filing

a. Person responsible for this electronic filing:

John T. Butler
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b. Docket No. 060001-EI

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

d. There is a total of 4 pages.

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

(See attached file: Motion for TPO (Responses to OPC's 2nd PODs - FCR).doc)

- CMP _____
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 K.P

DOCUMENT NUMBER-DATE

08573 SEP 18 06

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: September 18, 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") Second Request for Production of Documents No 5 in the above docket (the "Confidential Response Information"), and in support states:

1. OPC's Request for Production of Documents No. 5 asks FPL to produce all documents originated since January 1, 2005 that discuss, in general, the overall benefits or disadvantages of hedging. Certain of the responsive documents also contain details about the implementation of FPL's hedging, the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms and/or impair the competitive business of FPL.

2. For the reasons just described, the Confidential Response Information constitutes proprietary confidential business information and is protected by Sections 366.093(3)(d) and (e) of the Florida Statutes.

3. Rule 25-22.006(6)(c) provides in relevant part:

DOCUMENT NUMBER-DATE

08573 SEP 18 06

FPSC-COMMISSION CLERK

[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 in order to allow OPC to take possession of the Confidential Response 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 the Confidential Response Information, as described above, against public disclosure.

Respectfully submitted,

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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 18th September 2006, to the following:

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