

ORIGINAL

**Matilda Sanders**

From: Jack Leon [Jack\_Leon@fpl.com]  
Sent: Friday, March 02, 2007 11:53 AM  
To: Filings@psc.state.fl.us  
Cc: Wade\_Litchfield@fpl.com; Natalie\_Smith@fpl.com; Bryan\_Anderson@fpl.com;  
Sabrina\_Spradley@fpl.com  
Subject: Electronic Filing for Docket No. 070098-EI / FPL's Motion for Temporary Protective Order  
Attachments: FPL's Motion for Temporary Protective Order\_3-2-07.doc



FPL's Motion  
Temporary Pr

Electronic Filing

a. Person responsible for this electronic filing:

Joaquin E. Leon, Esq.  
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b. Docket No. 070098-EI

In re: Florida Power & Light Company's Petition to Determine Need for FPL Glades Power Park  
Units 1 and 2 Electrical Power Plant

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

d. There are a total of 4 pages in the attached document.

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

(See attached file: FPL's Motion for Temporary Protective Order\_3-2-07.doc)

Thank you for your attention and cooperation to this request.

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's ) Docket No. 070098-EI  
Petition to Determine Need for FPL Glades )  
Power Park Units 1 and 2 Electrical Power Plant ) Dated: March 2, 2007

**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 Florida Public Service Commission (the "PSC" or the "Commission"), through the Prehearing Officer, for a temporary protective order to exempt from Section 119.07(1), Florida Statutes, certain confidential information in FPL's responses to the Office of Public Counsel's ("OPC's") First Set of Requests for Production of Documents Nos. 1, 2, 3 and 5 in connection with FPL's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant, and in support states:

1. OPC has requested that it be permitted to inspect and potentially take possession of certain of FPL's confidential, proprietary business information in FPL's responses to OPC's First Set of Requests for Production of Documents Nos. 1, 2, 3 and 5 in Docket No. 070098-EI.

2. Subsection (6)(c) of the Commission's confidentiality rule, 25-22.006, provides in relevant part as follows with respect to a utility allowing OPC to take possession of utility information:

[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.

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

3. The confidential information includes, but is not limited to, information related to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. This information is exempt from the Public Records Act pursuant to Section 366.093(3)(e), Florida Statutes.

4. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed to provide OPC the confidential information in FPL's responses to OPC's First Set of Requests for Production of Documents Nos. 1, 2, 3 and 5.

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

WHEREFORE, for the foregoing reasons, FPL respectfully requests that the Commission enter a temporary protective order protecting against public disclosure, the confidential information in FPL's responses to OPC's First Set of Requests for Production of Documents Nos. 1, 2, 3 and 5 in connection with FPL's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant.

Respectfully submitted this 2nd day of March, 2007.

R. Wade Litchfield  
Associate General Counsel  
Bryan S. Anderson  
Natalie F. Smith  
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By: s/ Natalie F. Smith  
Natalie F. Smith  
Florida Bar No. 470200

## **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Motion for Temporary Protective Order has been furnished electronically and by United States Mail this 2nd day of March, 2007, to the following:

Katherine E. Fleming, Esquire  
Jennifer Brubaker, Esquire  
Lorena A. Holley, Esquire  
Florida Public Service Commission  
Division of Legal Services  
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By: s/ Natalie F. Smith  
Natalie F. Smith  
Florida Bar No. 470200