

Ruth Nettles

From: Jessica_Cano@fpl.com
Sent: Friday, March 14, 2008 3:37 PM
To: Filings@psc.state.fl.us
Cc: Katherine Fleming; Jean Hartman; Charles Beck; kelly.jr@leg.state.fl.us
Subject: Electronic Filing for Docket No. 070626-EI / FPL's Motion for Temporary Protective Order
Attachments: FPL's Motion for Temporary Protective Order, 3-14-08.doc

Electronic Filing

a. Person responsible for this electronic filing:

Jessica A. Cano, Esq.
700 Universe Boulevard
Juno Beach, FL 33408
561-304-5561
Jessica_Cano@fpl.com

CMP _____
COM _____
CTR _____
ECR 1
GCL 1
OPC _____
RCA _____
SCR _____
SGA _____
SEC _____
OTH Marguerite

b. Docket No. 070626-EI

In re: Review of Florida Power & Light Company's Sunshine Energy Program

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

d. There are a total of 3 pages.

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, 3-14-08.doc)

Jessica Cano
Attorney
Law Department

Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
561-304-5226
Jessica_Cano@fpl.com

DOCUMENT NUMBER-DATE
01926 MAR 14 08
FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of Florida Power & Light)
Company's Sunshine Energy Program)

Docket No. 070626-EI
Filed: March 14, 2008

**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") for a temporary protective order to exempt from Section 119.07(1), Florida Statutes, certain confidential information in FPL's second set of responses to the Commission Staff's ("Staff's") data request dated February 15, 2008, issued in the above reference docket, 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 that is included in FPL's responses to Staff's data request dated February 15, 2008. Those responses were filed with a Notice of Intent to Request Confidential Classification on March 14, 2008.

2. Subsection (6)(c) of 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), F.A.C.

3. The confidential information includes contractual terms and information related to competitive interests, the disclosure of which would impair the competitive business of the other

DOCUMENT NUMBER-DATE

01926 MAR 14 8

FPSC-COMMISSION CLERK

party to the contract, Green Mountain Energy Company, as well as FPL. This information is exempt from the Public Records Act pursuant to Section 366.093(3)(d) and (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 Staff's data request dated February 15, 2008.

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 Staff's data request dated February 15, 2008.

Respectfully submitted this 14th day of March, 2008.

R. Wade Litchfield, Vice President
and Associate General Counsel
Jessica A. Cano
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Tel: (561) 304-5226
Facsimile: (561) 691-7135

By: s/ Jessica A. Cano
Jessica A. Cano
Fla. Bar No. 0037372

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 14th day of March 2008, to the following:

Katherine Fleming
Senior Attorney
Jean Hartman
Senior Attorney
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

J. R. Kelly
Office of the Public Counsel
c/o The Florida Legislature
Gerald L. Gunter Building
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

By: s/ Jessica A. Cano
Jessica A. Cano
Fla. Bar No. 0037372