

**Diamond Williams**

100001-EI

**From:** Goorland, Scott [Scott.Goorland@fpl.com]  
**Sent:** Tuesday, October 05, 2010 1:47 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** 10/5/10. Electronic Filing / Dkt 100001 / FPL's Motion for Temporary Protective Order  
**Attachments:** 10.5.10. FPL Motion for Temp. Protective Order OPC 1st POD.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Scott A. Goorland, Esq.  
 700 Universe Boulevard  
 Juno Beach, FL 33408  
 561-304-5633  
[scott.goorland@fpl.com](mailto:scott.goorland@fpl.com)

b. Docket No. 100001 - EI  
In RE: Fuel and purchased power cost recovery clause with generating performance incentive factor

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

d. There are a total of 4 pages

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

Scott A. Goorland, Esq.  
 700 Universe Boulevard  
 Juno Beach, FL 33408  
 561-304-5633  
[scott.goorland@fpl.com](mailto:scott.goorland@fpl.com)

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DOCUMENT NUMBER DATE  
 08336 OCT-5 2010  
 FPSC-COMMISSION CLERK

10/5/2010

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Fuel and Purchased Power            )  
Cost Recovery Clause with Generating        )  
Performance Incentive Factor                )

Docket No. 100001-EI

Filed: October 5, 2010

**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 "Commission"), through the Prehearing Officer, for a temporary protective order to exempt from section 119.07(1), Florida Statutes, certain confidential information included in FPL's response to the Office of Public Counsel's ("OPC's") First Request for Production of Documents, Nos. 1,2, 5, and 9, filed October 1, 2010 in this docket, and in support states:

1. OPC has requested that it be permitted to take possession of FPL's confidential, proprietary information included in FPL's response to the request for production of documents identified above.

2. Subsection (6)(c) of Rule 25-22.006, Florida Administrative Code, 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.

3. The confidential information includes, but is not limited to, information concerning bids or other contractual data the disclosure of which would impair the efforts of the FPL to contract for goods or services on favorable terms (exempt from the Public Records Act pursuant to section 366.093(3)(d), Florida Statutes), and information related to competitive interests, the disclosure of which could harm the competitive business of FPL and its vendors (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 included in this exhibit.

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 contained in FPL's response to OPC's First Request for Production of Documents, Nos. 1,2, 5, and 9.

Respectfully submitted this 5th day of October, 2010.

R. Wade Litchfield, Vice President and  
General Counsel  
John T. Butler, Managing Attorney  
Scott A. Goorland, Principal Attorney  
Attorneys for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Telephone: (561) 691-5633  
Facsimile: (561) 691-7135

By: /s/Scott A. Goorland  
Scott A. Goorland  
Florida Bar No. 0066834

**CERTIFICATE OF SERVICE**

**Docket No. 100001-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on October 5<sup>th</sup>, 2010 to the following:

<p>Lisa Bennett, Esq. Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 <a href="mailto:LBENNETT@PSC.STATE.FL.US">LBENNETT@PSC.STATE.FL.US</a></p>	<p>J. R. Kelly, Esq. Patricia Christensen, Esq. Charles Beck, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 <a href="mailto:Kelly.jr@leg.state.fl.us">Kelly.jr@leg.state.fl.us</a> <a href="mailto:Christensen.patty@leg.state.fl.us">Christensen.patty@leg.state.fl.us</a> <a href="mailto:beck.charles@leg.state.fl.us">beck.charles@leg.state.fl.us</a></p>
<p>James D. Beasley, Esq. J. Jeffrey Wahlen, Esq. Ausley &amp; McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 <a href="mailto:jbeasley@ausley.com">jbeasley@ausley.com</a> <a href="mailto:jwahlen@ausley.com">jwahlen@ausley.com</a></p>	<p>John T. Burnett, Esq. Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 <a href="mailto:john.burnett@pgnmail.com">john.burnett@pgnmail.com</a></p>
<p>John W. McWhirter, Jr., Esq. McWhirter &amp; Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 <a href="mailto:jmewhirter@mac-law.com">jmewhirter@mac-law.com</a></p>	<p>Beth Keating, Esq. Akerman, Senterfitt Attorneys for FPUC 106 East College Avenue Suite 1200 Tallahassee, Florida 32301 <a href="mailto:Beth.keating@akerman.com">Beth.keating@akerman.com</a></p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs &amp; Lane Attorneys for Gulf Power P.O. Box 12950 Pensacola, Florida 32576-2950 <a href="mailto:jas@beggslane.com">jas@beggslane.com</a> <a href="mailto:rab@beggslane.com">rab@beggslane.com</a></p>	<p>James W. Brew, Esq. Attorney for White Springs Brickfield, Burchette, Ritts &amp; Stone, The P.C. 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 <a href="mailto:jbrew@bbrslaw.com">jbrew@bbrslaw.com</a></p>

<p>Robert Scheffel Wright, Esq  Jay T. LaVia, III, Esq  Young van Assenderp, P.A  Attorneys for Florida Retail Federation  225 South Adams Street, Suite 200  Tallahassee, FL 32301  <a href="mailto:swright@yvlaw.net">swright@yvlaw.net</a>  <a href="mailto:jlavia@yvlaw.net">jlavia@yvlaw.net</a></p>	<p>Jon C. Moyle, Esq. and Vicki Kaufman, Esq.  Keefe, Anchors Gordon &amp; Moyle, P.A.  118 N. Gadsden St.  Tallahassee, FL 32301  Co-Counsel for FIPUG  <a href="mailto:vkaufman@kagmlaw.com">vkaufman@kagmlaw.com</a>  <a href="mailto:jmoyle@kagmlaw.com">jmoyle@kagmlaw.com</a></p>
<p>Cecilia Bradley, Esq.  Senior Assistant Attorney General  Office of the Attorney General  The Capitol - PL01  Tallahassee, FL 32399-1050  <a href="mailto:cecilia.bradley@myfloridalegal.com">cecilia.bradley@myfloridalegal.com</a></p>	<p>Michael Barrett  Division of Legal Services  Florida Public Service Commission  2540 Shumard Oak Blvd  Tallahassee, Florida 32399-0850  <a href="mailto:MBARRETT@PSC.STATE.FL.US">MBARRETT@PSC.STATE.FL.US</a></p>
<p>Captain Shayla L. McNeill  Attorney for the FEA  AFLOA/JACL-ULFSC  139 Barnes Drive, Suite 1  Tyndall AFB, FL 32403-5319  <a href="mailto:Shayla.mcneill@tyndall.af.mil">Shayla.mcneill@tyndall.af.mil</a></p>	<p>Patrick K. Wiggins, Esq.  Attorneys for AFFIRM  P.O. Drawer 1657  Tallahassee, FL 32302  <a href="mailto:wigglaw@gmail.com">wigglaw@gmail.com</a></p>

By:           /s/Scott A. Goorland            
Scott A. Goorland  
Florida Bar No. 0066834