

Eric Fryson

From: Moncada, Maria [Maria.Moncada@fpl.com]
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Attachments: 5.4.12 - Motion for Protective Order (OPC's POD No 12).pdf
Electronic Filing

a. Person responsible for this electronic filing:

Maria J. Moncada, Esq.
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
561-304-5795
Maria.Moncada@fpl.com

b. Docket No. 120015 – EI
In re: Petition for rate increase by Florida Power & Light Company

c. The Document is 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

Maria J. Moncada, Esq.
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
561-304-5795
Maria.Moncada@fpl.com

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FPSC-COMMISSION CLERK

5/4/2012

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida
Power & Light Company

Docket No. 120015-EI
May 4, 2012

**FLORIDA POWER & LIGHT COMPANY'S MOTION
FOR TEMPORARY PROTECTIVE ORDER FOR CERTAIN
CONFIDENTIAL INFORMATION PROVIDED IN RESPONSE TO
PUBLIC COUNSEL'S SECOND REQUEST FOR PRODUCTION (NO. 12)**

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 Responses to the Office of Public Counsel's ("OPC") Second Request for Production (No. 12), and in support states:

1. OPC has requested that it be permitted to inspect or take possession of FPL's confidential, proprietary information included in FPL's Responses to OPC's Second Request for Production (No. 12) in this Docket.

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 related to competitive interests, the disclosure of which could harm the competitive business of the

provider of the information (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 FPL's Response to OPC's Second Request for Production (No. 12).

5. FPL has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion but preserves the right to contest confidentiality of the subject documents.

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 Responses to OPC's Second Request for Production (No. 12).

Respectfully submitted this 4th day of May 2012.

R. Wade Litchfield, Vice President and
General Counsel
John T. Butler, Assistant General Counsel-
Regulatory
Jordan White, Senior Attorney
Maria J. Moncada, Principal Attorney
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 691-7101
Facsimile: (561) 691-7135

By: s/Maria J. Moncada
Maria J. Moncada
Florida Bar No. 0773301

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished electronically this 4th day of May 2012, to the following:

Caroline Klancke, Esquire
Keino Young, Esquire
Martha Brown, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-1400
cklancke@psc.state.fl.us
kyoung@psc.state.fl.us
mbrown@psc.state.fl.us

Robert Scheffel Wright, Esquire
John T. LaVia, III, Esquire
Gardner, Bist, Wiener, Wadsworth, Bowden,
Bush, Dee, LaVia & Wright, P.A.
1399 Thomaswood Drive
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com
Attorneys for the Florida Retail Federation

Jon C. Moyle, Jr., Esquire
Vicki Gordon Kaufman, Esquire
Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@kagmlaw.com
vkaufman@kagmlaw.com
**Attorneys for Florida Industrial
Power Users Group**

John W. Hendricks
367 S Shore Dr
Sarasota, FL 34234
jwhendricks@sti2.com

J. R. Kelly, Public Counsel
Joseph A. McGlothlin, Associate Public
Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
Kelly.jr@leg.state.fl.us
mcglotlin.joseph@leg.state.fl.us
Rehwinkel.charles@leg.state.fl.us
Christensen.Patty@leg.state.fl.us
Noriega.tarik@leg.state.fl.us
Merchant.Tricia@leg.state.fl.us

Kenneth L. Wiseman, Esquire
Mark F. Sundback, Esquire
Lisa M. Purdy, Esquire
William M. Rappolt, Esquire
J. Peter Ripley, Esquire
Andrews Kurth LLP
1350 I Street NW, Suite 1100
Washington, DC 20005
kwiseman@andrewskurth.com
msundback@andrewskurth.com
lpurdy@andrewskurth.com
wrappolt@andrewskurth.com
priplej@andrewskurth.com
**Attorneys for South Florida Hospital and
Healthcare Association**

Mr. and Mrs. Daniel R. Larson
16933 W. Harlena Drive
Loxahatchee, FL 33470
danlarson@bellsouth.net

By: s/Maria J. Moncada

Maria J. Moncada
Florida Bar No. 0773301