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January 9, 2002

John T. Butler, P.A.
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-VIA HAND DELIVERY-

Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, Florida 32399-0850


Re: Docket No. 001148-EI

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company in the above docket are the original and seven copies of Florida Power & Light Company's Motion for Temporary Protective Order Concerning Public Counsel's Second Request for Production of Documents (Nos. 13-69), together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows 98, and the word processing software in which the document appears is Word 97.

If there are any questions regarding this transmittal, please contact me at 305-577-2939.

Very truly yours,


John T. Butler, P.A.

Enclosure

cc: Counsel for Parties of Record (w/encl.)

- APP _____
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of) Docket No. 001148-EI
Florida Power & Light) Dated: January 9, 2002
Company.)
_____)

**FLORIDA POWER & LIGHT COMPANY’S MOTION FOR
TEMPORARY PROTECTIVE ORDER CONCERNING PUBLIC COUNSEL’S
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 13-69)**

Florida Power & Light Company (“FPL”), pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, F.A.C., hereby moves for the entry of a temporary protective order covering certain documents sought by the Office of Public Counsel (“OPC”) in response to OPC’s Second Request for Production of Documents (the “Second Production Request”). In support of its motion, FPL states as follows:

1. On November 27, 2001, OPC served the Second Production Request on FPL. Certain of the documents responsive to the Second Production Request are confidential, proprietary business information, because they contain either customer-specific billing information or forecasted financial information that has not otherwise been made available to the investment community. FPL intends to, and does, treat this information as confidential.

2. Section 366.093(2), Florida Statutes and Rule 25-22.006(6), F.A.C., direct that all information produced pursuant to a discovery request for which proprietary confidential status has been sought shall be treated by OPC as confidential and shall be exempt from section 119.07(1), Florida Statutes, while OPC determines whether it will use the information in a Commission proceeding. Moreover, in ruling on motions for temporary protective orders in Gulf Power Company’s rate proceeding, the Commission recently commented on the procedure to be followed in the event that OPC decides to use confidential information in the proceeding: “If the information is used in the proceeding, it will be treated as confidential as set forth in this Order.

In order to maintain continued confidentiality, Gulf shall file a Request for Confidential Classification with the Commission within 21 days of the conclusion of the hearing, pursuant to Rule 25-22.006(8)(b), Florida Administrative Code.” Order No. PSC-01-2392-PCO-EI, Docket No. 010949-EI. FPL is by this motion seeking protection of the above-referenced documents as provided in section 366.093(2), Rule 25-22.006(6) and Order No. PSC-01-2392-PCO-EI. FPL has recorded the appropriate objections to producing such confidential, proprietary business information, but will produce the documents to OPC marked as confidential subject to this motion, the above-cited law, rule and order, and its objections. By following this procedure, FPL is not waiving its rights to seek further relief as necessary to make certain that its confidential, proprietary business information is not publicly disclosed.

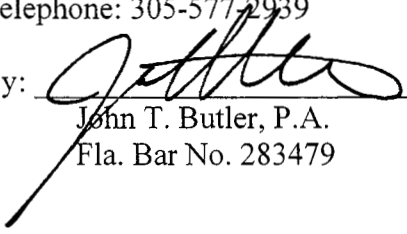
WHEREFORE, FPL moves the Commission to enter an order granting its motion for temporary protective order relating to documents identified as confidential that are produced in response to OPC’s Second Production Request, instructing OPC to continue to treat those documents as confidential, and requiring OPC to provide FPL notice of its intent to use such confidential documents as required in Order No. PSC-01-211-PCO-EI, the order establishing procedure for this docket.

Respectfully submitted,

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By: _____


John T. Butler, P.A.
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (*) or United States Mail this 9th day of January, 2002, to the following:

Robert V. Elias, Esq.*
Legal Division
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Tallahassee, FL 32399-0850

Florida Industrial Power Users Group
c/o John McWhirter, Jr., Esq.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33601-3350

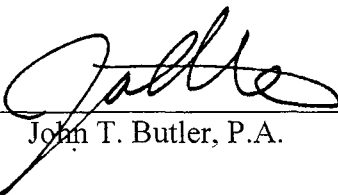
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