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January 18, 2002

-VIA HAND DELIVERY-

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

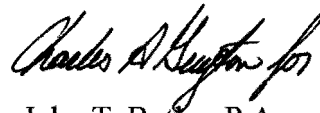
Re: Docket No. 001148-EI

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 Second 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.

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- MMS _____
- SEC _____
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Enclosure
cc: Counsel for Parties of Record

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DOCUMENT NUMBER-DATE

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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 18, 2002 |
| Company. |) | |
| _____ |) | |

**FLORIDA POWER & LIGHT COMPANY'S SECOND 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 second temporary protective order (the "Second TPO Motion") 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 Second TPO Motion, FPL states as follows:

1. On November 27, 2001, OPC served the Second Production Request on FPL. FPL initially identified that 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 filed a motion for temporary protective order for those documents on January 9, 2002 (the "First TPO Motion"), which the Commission granted in Order No. PSC-02-0082-PCO-EI, dated January 14, 2002.

2. FPL has subsequently identified additional documents responsive to the Second Production that are confidential, proprietary business information, but for different reasons than addressed in the First TPO Motion. Specifically, there are responsive documents consisting of or containing the following: (a) tax returns or attachments thereto that are filed with the U.S. Internal Revenue Service ("Tax Return Information"), (b) sensitive business information that

FPL uses in negotiating and/or competing with other parties (“Competitive Information”), (c) reports and work papers of FPL’s internal auditors and the work papers of FPL’s external auditors (“Audit Information”), (d) information related to the security of FPL’s facilities, personnel and/or data (“Security Information”), (e) information that has been provided by vendors or other third parties subject to confidentiality restrictions (“Third-Party Information”), and (f) detailed financial information, other than forecasts, that has not been previously disclosed to the investment public (“Detailed Financial Information”; collectively, all of the foregoing categories of additional confidential information may be referred to herein as “Second PTO Motion Confidential Information”).

3. Each category of Second PTO Motion Confidential Information constitutes confidential, proprietary business information, for the following reasons. The IRS accords confidential protection for Tax Return Information pursuant to Section 6103(p)(3)(A) of the Internal Revenue Code. Disclosure of Competitive Information would impair FPL’s ability to negotiate and/or compete on favorable terms with other parties. Disclosure of internal audits or work papers would chill FPL’s efforts to conduct thorough, critical reviews of its operations, while disclosing the work papers of FPL’s outside auditors would have similar chilling effects and likely would conflict with the outside auditors’ professional responsibilities. Disclosure of Security Information could impair the safety of FPL and its personnel and/or the reliable operation of FPL facilities. Disclosure of Third-Party Information would violate contractual obligations FPL has undertaken and, in the future, could impair FPL’s ability to secure access to necessary confidential information of third parties. Finally, disclosure of Detailed Financial Information could violate the United States Securities and Exchange Commission’s rules and

procedures about selective disclosure of financial information. FPL intends to, and does, treat all Second PTO Motion Confidential Information as confidential.

4. 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.

5. FPL is by this motion seeking protection of the Second PTO Motion Confidential Information 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 documents containing Second PTO Motion Confidential Information, but will produce those 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 the Second PTO Motion Confidential Information is not publicly disclosed.

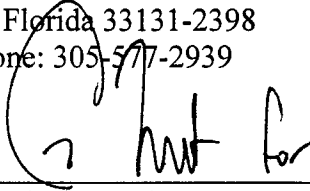
WHEREFORE, FPL moves the Commission to enter an order (i) granting its Second TPO Motion relating to documents containing any of the categories of Second PTO Motion Confidential Information described above when such documents are identified as confidential and produced in response to OPC's Second Production Request, (ii) instructing OPC to continue to treat those documents as confidential, and (iii) requiring OPC to provide FPL notice of its intent to use any such Second PTO Motion Confidential Information 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 18th day of January, 2002, to the following:

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McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33601-3350

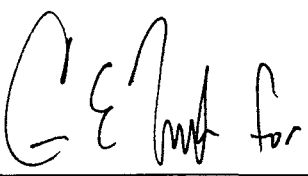
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