

**Matilda Sanders**

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**Sent:** Tuesday, December 21, 2004 4:47 PM  
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**Subject:** Electronic Filing for Docket No. 041291 / FPL's Motion for Temporary Protective Order



FPL's Motion  
Temporary Protective Order  
Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 041291

In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

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

d. There are a total of 3 pages in the attached document.

e. The document attached for electronic filing is FPL's Motion for Temporary Protective Order.

(See attached file: FPL's Motion for Temporary Protective Order OPC 1st Set.12.21.04.doc)

Thank you for your attention and cooperation to this request.

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FPSC-COMMISSION CLERK

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company. ) Docket No. 041291-EI )  
)  
)  
) Filed: December 21, 2004

**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 Power & Light Company (“FPL”), hereby moves the Florida Public Service Commission (the “PSC” or the “Commission”), through the Prehearing Officer, for a temporary protective order to exempt from Section 119.07(1) certain confidential information contained in FPL’s responses to the Office of Public Counsel’s (“OPC’s”) First Request for Production of Documents (Nos. 1-11) in the above-referenced docket, and in support states:

1. OPC has requested that it be permitted to take possession of certain of FPL’s confidential, proprietary business information contained in FPL’s responses to OPC’s First Request for Production of Documents (Nos. 1-11) in Docket No. 041291-EI. Such confidential information includes, but is not limited to, confidential vendor pricing data, as well as confidential bid data, the disclosure of which could harm FPL’s ability to contract on favorable terms in the future, to the detriment of FPL and its customers. Other confidential information is competitively sensitive information, the disclosure of which would impair the competitive interests of the provider of the information.

2. Subsection (6)(c) of the Commission's confidentiality 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).

3. 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 responses to OPC's discovery requests.

4. 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 responses to OPC's First Request for Production of Documents (Nos. 1-11) in the above-referenced docket.

Respectfully submitted this 21<sup>st</sup> day of December, 2004.

Respectfully submitted,

By: s/ Natalie F. Smith  
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Natalie F. Smith  
Attorneys for Florida Power & Light  
Company  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Motion for Temporary Protective Order, has been furnished electronically and by United States Mail this 21st day of December, 2004, to the following:

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