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 Sent: Friday, February 25, 2005 10:52 AM
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 Subject: Electronic Filing for Docket No. 041291-EI/ FPL's Motion for Temporary Protective Order
 Attachments: FPL's M for Temporary Protective Order Updated OPC 1st Set.2.25.05.pdf



FPL's M for
Temporary Prote

a. Person responsible for this electronic filing:

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b. Docket No. 041291-EI

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. Document 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.

(See attached file: FPL's M for Temporary Protective Order Updated OPC 1st Set.2.25.05.pdf)

Thank you for your attention and cooperation to this request.

CMP _____
 COM 5 _____
 CTR _____
 ECR _____
 GCL _____

Elizabeth Carrero
 Secretary to Natalie F. Smith, Esq.
 Florida Power & Light Company
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OPC _____
 MMS _____
 RCA _____
 SCR _____
 SEC 1
 OTH Kim P. Lockard

DOCUMENT NUMBER-DATE
 01946 FEB 25 05
 FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for authority to recover prudently) Docket No. 041291-EI
incurred storm restoration costs related to 2004)
storm season that exceed storm reserve balance,)
by Florida Power & Light Company.) Filed: February 25, 2005

**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 "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 updated response to the Office of Public Counsel's ("OPC's") First Request for Production of Documents (No. 1) 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 updated response to OPC's First Request for Production of Documents (No. 1) in Docket No. 041291-EI. Such confidential information includes, but is not limited to, confidential data related to foreign utility crew rates, the disclosure of which could harm FPL's ability to obtain services on favorable terms in the future, to the detriment of FPL and its customers.

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:

DOCUMENT NUMBER-DATE
01946 FEB 25 '05
FPSC-COMMISSION CLERK

[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).

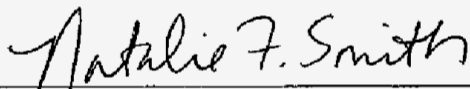
3. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed to provide OPC the confidential information included in FPL's updated response to OPC's discovery request.

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 updated response to OPC's First Request for Production of Documents (No. 1) in the above-referenced docket.

Respectfully submitted this 25th day of February, 2005.

Respectfully submitted,

By: 
R. Wade Litchfield
Natalie F. Smith
Attorneys for Florida Power & Light
Company
700 Universe Boulevard
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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 25th day of February, 2005, to the following:

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