

Matilda Sanders

From: Elizabeth_Carrero@fpl.com
 Sent: Wednesday, March 23, 2005 9:08 AM
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 Cc: Wade_Litchfield@fpl.com; Natalie_Smith@fpl.com; Bill_Feaster@fpl.com; Kirk_Gillen@fpl.com; Nanci_Nesmith@fpl.com
 Subject: Electronic Filing for Docket No. 050045-EI/ FPL's Motion for Temporary for Protective Order
 Attachments: Motion for Temporary Protective Order MFR D-2.3.22.05.doc



Motion for
Temporary Protec

Electronic Filing

a. Person responsible for this electronic filing:

Natalie F. Smith, Attorney
 Florida Power & Light Company
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 Juno Beach, FL 33408
 (561) 691-7207
 natalie_smith@fpl.com

b. Docket No. 050045-EI

In re: Petition for rate increase 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: Motion for Temporary Protective Order MFR D-2.3.22.05.doc)

Thank you for your attention and cooperation to this request.

CMP _____

COM Elizabeth Carrero
 Secretary to Natalie F. Smith, Esq.
 CTR Florida Power & Light Company
 Telephone: (561) 691-7100
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**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No: 050045-EI

Filed: March 23, 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 portions of Minimum Filing Requirement ("MFR") Schedule D-2 filed in connection with FPL's Petition for Rate Increase, 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 MFR Schedule D-2 filed in Docket No. 050045-EI. Such confidential information consists of projected information about the capital structure of affiliated and consolidated companies. If publicly disclosed, this information would harm the competitive interests of the provider of the information and would trigger Securities and Exchange Commission reporting obligations. This information is protected by Section 366.093(3)(e), Florida Statutes.

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

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FLORIDA PUBLIC SERVICE COMMISSION

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 MFR Schedule D-2.

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 MFR Schedule D-2 filed in connection with FPL's Petition for Rate Increase.

Respectfully submitted this 23rd day of March, 2005.

Respectfully submitted,

By: s/Natalie F. Smith
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Natalie F. Smith
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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 23rd day of March, 2005 to the following:

Florida Public Service Commission
Cochran Keating, Esquire
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