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Sent: Monday, April 18, 2005 3:23 PM
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Subject: Electronic Filing for Docket No. 050045-EI / FPL's Motion for Temporary Protective Order
Attachments: Motion for Temporary Protective Order (OPC's 1st Request for Documents) 04.18.05.doc



Motion for
 Temporary Protec
 Electronic Filing

- a. Person responsible for this electronic filing:
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- b. Docket No. 050045-EI
 In re: Petition for rate increase by
 Florida Power & Light Company.
- c. Documents being filed on behalf of Florida Power & Light Company.
- d. There are a total of 2 pages in the attached document.
- 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 (OPC's 1st Request for Documents) 04.18.05.doc)

Thank you for your attention and cooperation to this request.

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DOCUMENT NUMBER - DATE
 03748 APR 18 05
 FPSC-COMMISSION CLERK

ORIGINAL

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No: 050045-EI

Filed: April 18, 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 responsive to the Office of Public Counsel's ("OPC's") First Request for Production of Documents served on FPL 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 responsive to OPC's First Request for Production of Documents, Nos. 62, 72, and 80 served on FPL in Docket No. 050045-EI. Such confidential information consists of reports of FPL's internal auditors, documents discussing or evaluating reports of internal auditors, and/or workpapers or documents related to reports of FPL's internal auditors. This information is protected by Section 366.093(3)(b), 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:

DOCUMENT NUMBER-DATE
03748 APR 18 05
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[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 responsive to OPC's First Request for Production of Documents, Nos. 62, 72 and 80.

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 responsive to OPC's First Request for Production of Documents, Nos. 62, 72 and 80.

Respectfully submitted this 18th day of April, 2005.

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By: s/ Patrick M. Bryan
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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 18th day of April, 2005 to the following:

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* Indicates interested party

** Indicates not an official party of record as of the date of this filing.