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Sent: Tuesday, April 26, 2005 4:31 PM
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Subject: Electronic Filing for Docket No. 050045-EI/ Florida Power & Light Company's Motion for Temporary Protective Order
Attachments: Motion for Temporary Protective Order 4.26.05.doc



Motion for Temporary Protective Order

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. Document being filed on behalf of Florida Power & Light Company.

d. There are a total of 4 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 4.26.05.doc)

Thank you for your attention and cooperation to this request.

- CMP _____
- COM 5 _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1 _____
- OTH _____

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ORIGINAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 050045-EI

Filed: April 26, 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), Florida Statutes, certain confidential information in FPL's responses to the Office of Public Counsel's ("OPC's") First Set of Interrogatories¹ and First, Second and Third Sets of Requests for Production of Documents in connection with FPL's Petition for Rate Increase, and in support states:

1. OPC has requested that it be permitted to inspect and potentially take possession of certain of FPL's confidential, proprietary business information in FPL's responses to OPC's First Set of Interrogatories and First, Second and Third Sets of Requests for Production of Documents in Docket No. 050045-EI.

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

¹ Though incorrectly labeled as interrogatories, the interrogatories in OPC's First Set of Interrogatories that contain confidential information are, in fact, requests for production of documents and have been treated as such for purposes of responding.

DOCUMENT NUMBER-DA

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FPSC-COMMISSION CLERK

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 in FPL's responses to OPC's First Set of Interrogatories and First, Second and Third Sets of Requests for Production of Documents.

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 in FPL's responses to OPC's First Set of Interrogatories and First, Second and Third Sets of Requests for Production of Documents in connection with FPL's Petition for Rate Increase.

Respectfully submitted this 26th day of April, 2005.

Respectfully submitted,

By: s/Natalie F. Smith
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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 26th day of April, 2005 to the following:

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

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