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Subject: Electronic Filing for Docket Nos. 050045-EI & 050188-EI / FPL's Motion for Temporary Protective Order regarding OPC's 13th Request for Production of Documents No. 297

Attachments: Motion for Temporary Protective Order - OPC's 13th Request for Production of Documents No. 297 7-22-05.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.

Docket No. 050188-EI
In re: 2005 comprehensive depreciation
study by Florida Power & Light Company.

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

d. There are a total of 4 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Motion for Temporary Protective Order regarding OPC's 13th Request for Production of Documents No. 297.

(See attached file: Motion for Temporary Protective Order - OPC's 13th Request for Production of Documents No. 297 7-22-05.doc)

Thank you for your attention and cooperation to this request.

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FPCO-COMMISSION OF EPC

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 050045-EI

In re: 2005 comprehensive depreciation)
study by Florida Power & Light Company.)

Docket No. 050188-EI

Filed: July 22, 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 response to OPC's Thirteenth Set of Requests for Production of Documents No. 297 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 response to OPC's Thirteenth Set of Requests for Production of Documents No. 297 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 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).

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3. The confidential information relates to bids and contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. This information is exempt from the Public Records Act pursuant to Section 366.093(3)(d), Florida Statutes.

4. 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 response to OPC's Thirteenth Set of Requests for Production of Documents No. 297.

5. 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 Thirteenth Set of Requests for Production of Documents No. 297 in connection with FPL's Petition for Rate Increase.

Respectfully submitted this 22nd day of July, 2005.

By: s/ Natalie F. Smith
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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 22nd day of July, 2005 to the following:

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