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Subject: Electronic Filing for Docket No. 050045-EI/Docket No. 050188-EI - Florida Power & Light
Company's Motion for Temporary Protective Order

Attachments: Motion for Temporary Protective Order re Davis Deposition Late Filed Exhibit 9.doc



Motion for
Temporary Protec

a. Person responsible for this electronic filing:

Patrick M. Bryan, Esquire
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408
(561) 304-5134

b. Docket No. 050045-EI / Docket No. 050188-EI

In re: Petition for rate increase by Florida Power & Light Company In re: 2005 Comprehensive
Depreciation Studies 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 re Davis Deposition Late Filed
Exhibit 9.doc)

Thank you for your attention and cooperation to this request.

Elizabeth Carrero, Legal Asst
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- SEC 1

DOCUMENT NUMBER-DATE

07865 AUG 12 05

FPSC-COMMISSION CLERK

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: August 12, 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 worksheets comprising Late Filed Exhibit 9 to the deposition of K. Michael Davis, taken on August 9, 2005 in this proceeding, and in support states:

1. During the course of the referenced deposition of K. Michael Davis, OPC, through its counsel, requested FPL to produce as a late filed exhibit, certain workpapers reflecting the computation of the fair market value of certain gas contracts of FPL Energy Services. The requested information constitutes proprietary, confidential business of information, the disclosure of which would harm FPL's customers, FPL's business operations, and/or the competitive interests of the provider of the information. Moreover, part of the information requested is customer specific information. FPL has a corporate policy not to disclose or release customer specific information without the consent of the customer. None of the customers referred to in this information have consented to the release of their customer specific information. The information requested is protected by Section 366.093(3)(e), Florida

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FPSC-COMMISSION CLERK

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 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 comprising Late Filed Exhibit 9 to the deposition of K. Michael Davis.

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 Late Filed Exhibit 9 to the deposition of K. Michael Davis taken in this proceeding on August 9, 2005.

Respectfully submitted this 12th day of August, 2005.

Respectfully submitted,

By: s/Patrick M. Bryan
FL Bar No. 0457523
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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 12th day of August, 2005 to the following:

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