

Matilda Sanders

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Subject: Electronic Filing for Docket No. 050001-EI - FPL's Motion for Protective Order
Attachments: FPL's Motion for Temporary Protective Order.11.04.05.doc



FPL's
for Temporar

(1) Person responsible for this electronic filing:

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(2) Docket No. 050001-EI

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

(3) Document being filed on behalf of Florida Power & Light Company

(4) There are a total of three (4) pages.

(5) The document attached for electronic filing is:

Florida Power & Light Company's Motion for Protective Order

(See attached file: FPL's Motion for Temporary Protective Order.11.04.05.doc)

Thank you for your attention and cooperation to this request.

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Fuel and purchased power)
cost recovery clause with generating)
performance incentive factor.)
_____)**

Docket No. 050001-EI

Dated: November 4, 2005

**FLORIDA POWER & LIGHT COMPANY'S
MOTION FOR PROTECTIVE ORDER**

Pursuant to Section 366.093(3), Florida Statutes, and Rule 25-22.006(6)(a)(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 protective order to exempt from Section 119.07(1), and to specify how certain confidential information responsive to the Office of Public Counsel's ("OPC's") Third Request for Production of Documents served on FPL in this docket is to be handled during the proceeding, and in support states:

1. OPC has advised FPL that it intends to use in a proceeding before the Commission (at the hearing) certain FPL's confidential, proprietary business information responsive to OPC's Third Request for Production of Documents, No. 3, Bates pages FCR – 00437, 00470, and 00471, served on FPL in Docket No. 050001-EI. Such confidential information consists of information relating to competitive interests, the disclosure of which would impair the competitive interests of the provider of the information. 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 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.**

See Rule 25-22.006(6)(c).

3. FPL respectfully requests that the Commission enter a protective order affording FPL the protection that is needed to permit OPC to use the confidential information at the hearing and specifying that the documents be treated in accordance with the confidentiality procedures in the Pre-hearing Order entered in this docket.

WHEREFORE, for the foregoing reasons, FPL respectfully requests that the Commission enter a protective order protecting against public disclosure and specifying the handling of the confidential information responsive to OPC's Third Request for Production of Documents, No. 3.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

Docket Nos. 050001-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Motion for Protective Order has been furnished by overnight delivery(*) or United States Mail on this 4th day of November, 2005, to the following:

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