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Sent: Thursday, February 09, 2006 2:02 PM
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Subject: Electronic Filing for Docket No. 060038-EI / Florida Power & Light Company's Motion for Protective Order

Attachments: FPL's Motion for Protective Order to OPC's 2nd PODs.doc



FPL's Motion
or Protective Or.

Electronic Filing

- a. Person responsible for this electronic filing:
Patrick M. Bryan, Esquire
700 Universe Boulevard
Juno Beach, FL 33408-0420
patrick_bryan@fpl.com
- b. Docket No. 060038-EI
In re: Florida Power & Light Company's Petition for Issuance of a Storm Recovery Financing Order
- 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 Protective Order.

CMP _____
 COM 5
 CTR _____
 ECR 1
 GCL 1
 OPC _____
 RCA _____
 SCR _____
 SGA _____
 SEC 1
 OTH Locke and Kim p.

(See attached file: FPL's Motion for Protective Order to OPC's 2nd PODs.doc)

Thank you for your attention and cooperation to this request.

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ORIGINAL

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's)
Petition for Issuance of a Storm Recovery)
Financing Order)

Docket No: 060038-EI
Filed: February 9, 2006

**FLORIDA POWER & LIGHT COMPANY'S
MOTION FOR 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 the Office of Public Counsel's ("OPC's") Second Set of Requests for Production of Document Nos. 26 and 39 in connection with FPL's Petition for Issuance of a Storm Recovery Financing Order, and in support states:

(1) OPC has requested that it be permitted to take possession of certain of FPL's confidential, proprietary business information in FPL's responses to OPC's Second Set of Requests for Production of Documents Nos. 26 and 39 in Docket No. 060038-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 inspect or 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

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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) The confidential information, includes, but is not limited to information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. This information is exempt from the Public Records Act pursuant to Section 366.093(3)(d), Florida Statutes. Other confidential information relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. This information is exempt from the Public Records Act pursuant to Section 366.093(3)(e), Florida Statutes. Certain other confidential information includes information related to security measures, systems or procedures. This information is exempt from the Public Records Act pursuant to Section 366.093(c).

(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 responses to OPC's Second Set of Requests for Production of Documents Nos. 26 and 39.

(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 Second Set of Requests for Production of Documents Nos. 26 and 39 in connection with FPL's Petition for Issuance of a Storm Recovery Financing Order.

Respectfully submitted this 9th day of February, 2006.

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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 the foregoing has been furnished by electronic mail and United States Mail on the 9th day of February, 2006, to the following:

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