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Sent: Monday, February 13, 2006 4:06 PM
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Subject: Electronic Filing for Docket No. 060038-EI / Florida Power & Light Company's Motion for Protective Order (OPC's 3rd PODs, No. 51)

Attachments: FPL's Motion for Protective Order to OPC's 3rd PODs.doc; pic18958.jpg



FPL's pic18958.j
for Protectpg (934 B)

Electronic Filing

a. Person responsible for this electronic filing:
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b. Docket No. 060038-EI
In re: Florida Power & Light Company's Petition for Issuance of a Storm Recovery Financing Order Lockard

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

d. There are a total of 3 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Motion for Protective Order.

(See attached file: FPL's Motion for Protective Order to OPC's 3rd PODs.doc)

Thank you for your attention and cooperation to this request.

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**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 13, 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") Third Set of Requests for Production of Documents No. 51 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 Third Set of Requests for Production of Documents No. 51 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 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).

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

(3) The 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 Third Set of Requests for Production of Documents No. 51.

(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 Third Set of Requests for Production of Documents No. 51 in connection with FPL's Petition for Issuance of a Storm Recovery Financing Order.

Respectfully submitted this 13th 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 13th day of February, 2006, to the following:

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