

Matilda Sanders

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 Sent: Thursday, March 16, 2006 3:40 PM  
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 Subject: Electronic Filing for Docket No. 060038-EI / FPL's Motion for Temporary Protective Order - OPC's 8th Request for Production of Documents (Nos. 90, 91 & 93) and OPC's 9th Set of Interrogatories (No. 178)

Attachments: Motion for Temporary Protective Order - OPC's 8th Request for Production of Documents (Nos. 90, 91 & 93) and OPC's 9th Set of Interrogatories (No. 178).doc

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Motion for Temporary Protective Order

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

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

d. There are a total of 2 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Motion for Temporary Protective Order - OPC's 8th Request for Production of Documents (Nos. 90, 91 & 93) and OPC's 9th Set of Interrogatories (No. 178).

(See attached file: Motion for Temporary Protective Order - OPC's 8th Request for Production of Documents (Nos. 90, 91 & 93) and OPC's 9th Set of Interrogatories (No. 178).doc)

Thank you for your attention and cooperation to this request.

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DOCUMENT NUMBER-DATE

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FPLSC-COMMISSION CLERK

**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: March 16, 2006

**FLORIDA POWER & LIGHT COMPANY'S  
MOTION FOR TEMPORARY PROTECTIVE ORDER TO EXEMPT FROM FLA.  
STAT. §119.07(1) CERTAIN CONFIDENTIAL INFORMATION PROVIDED IN  
RESPONSE TO OPC'S 8TH REQUEST FOR PRODUCTION OF DOCUMENTS (NOS.  
90, 91 & 93) AND OPC'S 9TH SET OF INTERROGATORIES (NO. 178)**

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") Eighth Set of Requests for Production of Document Nos. 90, 91 and 93, and Ninth Set of Interrogatories No. 178 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 inspect and potentially take possession of certain of FPL's confidential, proprietary business information in FPL's responses to OPC's Eighth Set of Requests for Production of Documents Nos. 90, 91, and 93, and Ninth Set of Interrogatories No. 178, in Docket No. 060028-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).

(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.

(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 Eighth Set of Requests for Production of Documents Nos. 90, 91, and 93, and Ninth Set of Interrogatories No. 178.

(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 Eighth Set of Requests for Production of Documents Nos. 90, 91, and 93, and Ninth Set of Interrogatories No. 178 in connection with FPL's Petition for Issuance of a Storm Recovery Financing Order.

Respectfully submitted this 16<sup>th</sup> day of March, 2006.

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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 16<sup>th</sup> day of March, 2006, to the following:

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\*Indicates not an official party of record as of the date of this filing.