

Matilda Sanders

From: Jack Leon [Jack_Leon@fpl.com]
Sent: Monday, April 10, 2006 12:02 PM
To: Filings@psc.state.fl.us
Cc: Wade_Litchfield@fpl.com; Natalie_Smith@fpl.com; Bill_Feaster@fpl.com;
 Kirk_Gillen@fpl.com; Nanci_Nesmith@fpl.com; Patrick_Bryan@fpl.com;
 Lynne_Adams@fpl.com; Bryan_Anderson@fpl.com; Maira_Sanchez@fpl.com;
 Elizabeth_Carrero@fpl.com
Subject: Electronic Filing for Docket No. 060038-EI / FPL's Motion for Temporary Protective Order related to OPC's 5th Set of Interrogatories No. 108-Supplemental and OPC's 9th Set of Interrogatories No. 178-Supplemental

Attachments: FPL's Motion for Temporary Protective Order-OPC's 5th No. 108 & 9th No. 178 Set of Interrogatories Supplementals.doc

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FPL's Motion
Temporary Pr

Electronic Filing

a. Person responsible for this electronic filing:

Joaquin E. Leon, Esq.
 9250 W. Flagler St., Suite 6514
 Miami, FL 33174
 (305) 552-3922
 jack_leon@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 Temporary Protective Order related to OPC's 5th Set of Interrogatories No. 108-Supplemental and OPC's 9th Set of Interrogatories No. 178-Supplemental.

(See attached file: FPL's Motion for Temporary Protective Order-OPC's 5th No. 108 & 9th No. 178 Set of Interrogatories Supplementals.doc)

Thank you for your attention and cooperation to this request.

Jack Leon
 Senior Attorney
 9250 W. Flagler St., Suite 6514
 Miami, FL 33174
 (305) 552-3922
 Fax: (305) 552-3865
 Cell: (305) 439-1661

DOCUMENT NUMBER-DATE

03186 APR 10 08

FPSC-COMMISSION CLERK

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: April 10, 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 5TH SET OF INTERROGATORIES (NO. 108) -
SUPPLEMENTAL AND OPC'S 9TH SET OF INTERROGATORIES (NO. 178) -
SUPPLEMENTAL**

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") Fifth Set of Interrogatories No. 108 - Supplemental, and Ninth Set of Interrogatories No. 178 - Supplemental 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 Fifth Set of Interrogatories No. 108 - Supplemental, and Ninth Set of Interrogatories No. 178 - Supplemental, 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 that 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 Fifth Set of Interrogatories No. 108 - Supplemental, and Ninth Set of Interrogatories No. 178 - Supplemental.

(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 Fifth Set of Interrogatories No. 108 - Supplemental,

and Ninth Set of Interrogatories No. 178 - Supplemental in connection with FPL's Petition for Issuance of a Storm Recovery Financing Order.

Respectfully submitted this 10th day of April, 2006.

R. Wade Litchfield, Esquire
Bryan Anderson, Esquire
Patrick Bryan, Esquire
Natalie F. Smith, Esquire
Attorneys for
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420

By: s/ Bryan S. Anderson
Bryan S. Anderson, Esquire
Authorized House Counsel #219511

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 10th day of April, 2006, to the following:

Wm. Cochran Keating, IV, Esquire
Florida Public Service Commission
Division of Legal Services
Gerald L. Gunter Building
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Harold A. McLean, Esquire
Charles J. Beck, Esquire
Joseph A. McGlothlin, Esquire
Patricia A. Christensen, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

John W. McWhirter, Esquire
McWhirter, Reeves, & Davidson, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33602
Attorneys for the Florida Industrial Power
Users Group

Timothy J. Perry, Esquire
McWhirter, Reeves, & Davidson, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Attorneys for the Florida Industrial Power
Users Group

Michael B. Twomey, Esquire
P.O. Box 5256
Tallahassee, Florida 32314-5256
Attorney for AARP

Robert Scheffel Wright, Esquire
John T. LaVia, III, Esquire
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, Florida 32301
Attorneys for the Florida Retail Federation

Lieutenant Colonel Karen White *
and Captain Damund Williams
AFCESA/ULT
139 Barnes Drive
Tyndall Air Force Base, Florida 32403
Attorneys for the Federal Executive Agencies

Christopher M. Kise, Solicitor General *
Jack Shreve, Senior General Counsel
Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050
Attorneys for Charles J. Crist, Jr., Attorney
General

By: s/ Bryan S. Anderson
Bryan S. Anderson, Esquire
Authorized House Counsel #219511

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