

Timolyn Henry

From: John_Butler@fpl.com
Sent: Thursday, September 07, 2006 11:29 AM
To: Filings@psc.state.fl.us
Cc: Alex Glenn, Esq. ; Charles Beck; Patty Christensen, Esq.; Carolyn Raepple; Gary Perko, Esq.; Jeffrey Stone, Esq.; James Beasley, Esq.; John LaVia, III, Esq.; John McWhirter, Jr., Esq.; John Burnett; Lee Willis, Esq.; Joseph A. McGlothlin; Harold Mclean; Russell Badders, Esq.; Brenda Irizarry; Susan D. Ritenour (Gulf Power); Robert Scheffel Wright, Esq.; Tim Perry, Esq.; Martha Brown
Subject: Electronic Filing for Docket No. 060007-EI -- FPL's motion for temporary protective order
Attachments: Motion for TPO (Responses to OPC's 1st PODs - ECRC).doc



Motion for TPO
(Responses to O...

Electronic Filing

a. Person responsible for this electronic filing:

John T. Butler
 Senior Attorney
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 304-5639
 john_butler@fpl.com

b. Docket No. 060007-EI

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

d. There is a total of 3 pages.

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

(See attached file: Motion for TPO (Responses to OPC's 1st PODs - ECRC).doc)

CMP _____

COM 5

CTR _____

ECR _____

GCL _____

OPC _____

RCA _____

SCR _____

SGA _____

SEC 1

OTH Kim P. Lockard

DOCUMENT NUMBER-DATE

08189 SEP-7 06

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost)
Recovery Clause)

Docket No. 060007-EI
Filed: September 7, 2006

**FLORIDA POWER & LIGHT COMPANY'S
MOTION FOR TEMPORARY 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 Commission, through the Prehearing Officer, for a temporary protective order to exempt from Section 119.07(1) the information contained in FPL's responses to the Office of Public Counsel's ("OPC's") First Request for Production of Documents (Nos. 1-4) (the "1st PODs") in the above docket (the "Confidential Response Information"), and in support states:

1. The 1st PODs ask FPL to produce documents related to its strategies and plans for complying with various air-emission regulations, at power plants FPL either owns or co-owns. These documents contain and/or comprise (a) bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms and/or (b) information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. In addition, much of the information contained in the responses that relate to co-owned plants was generated and/or provided for the internal use and benefit of the co-owners in the management of those plants, pursuant to an understanding that all co-owners would protect the confidentiality of the information.

2. For the reasons just described, the Confidential Response Information constitutes proprietary confidential business information and is protected by Sections

DOCUMENT NUMBER-DATE

08189 SEP-7 06

FPSC-COMMISSION CLERK

366.093(3)(d) and (e) of the Florida Statutes.

3. Rule 25-22.006(6)(c) provides in relevant part:

[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.

4. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed in order to allow OPC to take possession of the Confidential Response Information.

5. FPL has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion.

WHEREFORE, FPL respectfully requests that the Commission enter a temporary protective order protecting the Confidential Response Information, as described above, against public disclosure.

Respectfully submitted,

R. Wade Litchfield, Esq.
Associate General Counsel
John T. Butler, Esq.
Senior Attorney
Law Department
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-304-5639
Fax: 561-691-7135

By: /s/ John T. Butler
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 060007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery on September 7, 2006 to the following:

Martha Brown, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Charles J. Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric Company
P.O. Box 391
Tallahassee, Florida 32302

John T. Burnett, Esq.
Progress Energy Service
Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

Timothy J. Perry, Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
117 South Gadsden Street

Gary V. Perko, Esq.
Hopping Green & Sams
P.O. Box 6526
Tallahassee, FL 32314
Attorneys for Progress Energy
Florida

John W. McWhirter, Jr., Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
Tampa, Florida 33602

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power Company
P.O. Box 12950
Pensacola, Florida 32576-2950

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

By: /s/ John T. Butler
John T. Butler