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 Subject: Electronic Filing for Docket No. 060362-EI -- FPL's supplemental motion for temporary protective order
 Attachments: Supplemental Motion for TPO (Confidential Response Information).doc



Supplemental Motion for TPO (C...

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 060362-EI

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

d. There is a total of 5 pages.

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

(See attached file: Supplemental Motion for TPO (Confidential Response Information).doc)

CMP	COM	CTR	ECR	GCL	OPC	RCA	SCR	SGA	SEC	OTH

DOCUMENT NUMBER-DATE

09684 OCT 20 06

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power & Light Company to recover costs of natural gas storage project.

Docket No: 060362-EI
Filed: October 20, 2006

FLORIDA POWER & LIGHT COMPANY'S SUPPLEMENTAL 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) confidential information contained in responses by FPL to Staff's Data Requests 1 and 8 that were served on FPL by Staff on August 18, 2006 in the above docket (the "Additional Confidential Response Information"), and in support states:

1. The Office of Public Counsel ("OPC") has made a general request to take possession of all confidential response information that is generated in the course of FPL's responding to Staff's formal and informal discovery requests in this docket ("Confidential Response Information").

2. On June 15, 2006, FPL filed a motion for temporary protective order to exempt from Section 119.07(1) all Confidential Response Information (the "June 15 Motion"). When the June 15 Motion was filed, the only Confidential Response Information that FPL had generated was in response to Staff's late-filed data requests made at the May 30, 2006 informal conference. However, FPL anticipated at the time that there would be additional Confidential Response Information generated in response to future requests, and FPL sought to have the temporary protective order apply prospectively to any additional Confidential Response

Information.

3. Staff has advised that it would prefer FPL to file a separate motion for temporary protective order specifically addressing additional Confidential Response Information, rather than to have the Commission issue an order covering such information prospectively.

4. FPL provided the Additional Confidential Response Information to Staff subsequent to the June 15 Motion. On September 15, 2006, FPL filed a request for confidential classification with respect to the Additional Confidential Response Information.

5. The Additional Confidential Response Information contains or constitutes vendor-specific information regarding contract prices and other contract terms. Disclosure of that information would impair the competitive interests of FPL and/or the vendors, as well as FPL's ability to contract on favorable terms. Accordingly, the Additional Confidential Response Information is protected by Sections 366.093(3) (d) and (e), Florida Statutes.

6. 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.

7. 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 Additional Confidential Response Information.

8. 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 Additional Confidential Response Information, as described above, against public disclosure.

Respectfully submitted,

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By: /s/ John T. Butler
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CERTIFICATE OF SERVICE

Docket No. 060362-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Supplemental Motion for Temporary Protective Order has been furnished by electronic delivery on this 20th day of October 2006, to the following:

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