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May 14, 2007

-VIA OVERNIGHT DELIVERY -

Ms. Ann Cole, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 070001-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Notice of Serving Objections and Response to Office of Public Counsel's First Request for Production of Documents (No. 1) and Motion for Temporary Protective Order, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software in which the document appears is Word 2003.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,

Handwritten signature: Karl M. Dahi for JTB

John T. Butler

(Comp. DN5
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Handwritten signature: Marguerite Kim

Enclosure
cc: Counsel for Parties of Record (w/encl.)

an FPL Group company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchased Power )  
Cost Recovery Clause with Generating )  
Performance Incentive Factor )

Docket No: 070001-EI  
Served: May 14, 2007

**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) confidential information contained in responses by FPL to the Office of Public Counsel's ("OPC's") First Request for Production of Documents (No. 1) in the above docket (the "Confidential Response Information"), and in support states:

1. OPC's Request for Production of Document No. 1 asks FPL to produce, *inter alia*, all confidential documents that have been filed in this docket. FPL has requested confidential classification for certain information on short term capacity payments contained in Schedule A12 of Appendix II to the prepared testimony of FPL witness K.M. Dubin filed on March 1, 2007 (*see* Document No. 01901-07). This information is responsive to OPC's Request No. 1. The information is confidential because it relates to pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms, see § 366.093(3)(d), Fla. Stat; and because it relates to competitive interests of FPL and of suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses, see § 366.093(3)(e), Fla. Stat.

2. Also responsive to OPC's Request No. 1 is Fuel Hedging Information contained in Exhibit GJY-1 to the prepared testimony G.J. Yupp filed on April 2, 2007 for which FPL has

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requested confidential classification (*see* Document No. 02828-07). This Fuel Hedging Information is confidential because it comprises trade secrets of FPL, which allow FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. *See* § 366.093(3)(a), Fla. Stat (2005).

3. For the reasons just described, the Confidential Response Information constitutes proprietary confidential business information and is protected by Sections 366.093(3)(d) and (e) of the Florida Statutes.

4. 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.

5. 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.

6. 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,

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By: Carol M. Rubin for JT B  
John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

**Docket No. 070001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by overnight delivery (\*) or United States mail on the 14<sup>th</sup> day of May, 2007, to the following:

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By:   
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