

**Ruth Nettles**

**From:** John\_Butler@fpl.com  
**Sent:** Thursday, September 13, 2007 8:52 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** Alex Glenn; Charles Beck; BURGESS.STEVE@leg.state.fl.us; Charlotte Wheeler (OAG); Patty Christensen; Cheryl Martin; Jeff Stone; Jim Beasley; James W. Brew, Esq.; John McWhirter; John Burnett; Lisa Bennett; Lee Willis; Joe McGlothlin; Mike Twomey; Doc Horton; Paul Lewis; Russell Badders; Steven Griffin  
**Subject:** Docket No. 070001-EI -- FPL's Motion for Temporary Protective Order (Corporate Security Investigative Report)  
**Attachments:** Motion for TPO - Exhibit TOJ-1.doc

**Electronic Filing**

a. Person responsible for this electronic filing:

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b. Docket No. 0700001-EI

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

d. There are 3 pages total.

e. The document attached for electronic filing is Florida Power & Light Company's Motion for Temporary Protective Order (Corporate Security Investigative Report)

(See attached file: Motion for TPO - Exhibit TOJ-1.doc)

*(Confidential)*  
*DN 07968-07*

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08299 SEP 13 5

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power )  
Cost Recovery Clause with Generating )  
Performance Incentive Factor )

Docket No: 070001-EI

Filed: September 13, 2007

**FLORIDA POWER & LIGHT COMPANY'S  
MOTION FOR TEMPORARY PROTECTIVE ORDER  
(CORPORATE SECURITY INVESTIGATIVE REPORT)**

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 confidential Corporate Security Investigative Report that is attached as Exhibit TOJ-1 to the prepared testimony of FPL witness T.O. Jones (the "Security Report"), and in support states:

1. The Office of Public Counsel's ("OPC's") First Request for Production of Documents No. 1 ("Request No. 1") in the above docket asks FPL to produce, *inter alia*, all confidential documents that have been filed in this docket. FPL has recently filed the Security Report and has requested confidential classification of that report. Accordingly, the Security Report is responsive to Request No. 1. OPC has asked FPL to provide a copy of the Security Report.

2. FPL seeks confidential protection of the Security Report because it relates to security, and if made public, would disclose certain details about FPL's security measures, system, or procedures to the detriment of FPL, its customers, and the general public. Pursuant to Section 366.093(3)(c), Florida Statutes, such information constitutes proprietary confidential business information and is exempt from Section 119.07(1).

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08299 SEP 13 5

FPSC-COMMISSION CLERK

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 Security Report.

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 Security Report against public disclosure.

Respectfully submitted,

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

**Docket No. 070001-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery on September 13, 2007 to the following:

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