

Ruth Nettles

From: Jack Leon [Jack_Leon@fpl.com]
Sent: Wednesday, September 19, 2007 10:51 AM
To: Filings@psc.state.fl.us
Cc: Wade_Litchfield@fpl.com; Natalie_Smith@fpl.com; Bert_Gonzalez@fpl.com
Subject: Electronic Filing for Docket No. 070432-EI / FPL's Motion for Temporary Protective Order regarding OPC's 1st Set of Interrogatories (No.6) & 1st Request for Production of Documents (Nos. 1, 2 & 4)
Attachments: FPL's Motion for Temporary Protective Order - OPC's 1st Set of Interrogatories (No.6) & 1st Request for Production of Documents (Nos. 1, 2 & 4)_9-19-07.doc

Electronic Filing

a. Person responsible for this electronic filing:

Joaquin E. Leon, Esq.
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b. Docket No. 070432-EI

In re: Petition for authority to use deferral accounting and for creation of a regulatory asset for prudently incurred preconstruction costs associated with the development of clean coal project, by Florida Power & Light Company.

c. Documents are 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~~ **Motion** for Temporary Protective Order regarding OPC's 1st Set of Interrogatories (No.6) & 1st Request for Production of Documents (Nos. 1, 2 & 4).

(See attached file: FPL's Motion for Temporary Protective Order - OPC's 1st Set of Interrogatories (No.6) & 1st Request for Production of Documents (Nos. 1, 2 & 4)_9-19-07.doc)

Thank you for your attention and cooperation to this request.

Jack Leon
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DOCUMENT NUMBER-DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for authority to use deferral) Docket No: 070432-EI
accounting and for creation of a regulatory)
asset for prudently incurred preconstruction)
costs associated with development of clean coal)
project, by Florida Power & Light Company) Filed: September 19, 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 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 responses to the Office of Public Counsel's ("OPC's") First Request for Production of Documents Nos. 1, 2, and 4 and OPC's First Set of Interrogatories No. 6 in connection with FPL's Petition for authority to use deferral accounting and for creation of a regulatory asset for prudently incurred preconstruction costs associated with development of clean coal project, by Florida Power & Light Company, 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 First Request for Production of Documents Nos. 1, 2, and 4, and OPC's First Set of Interrogatories No. 6 in Docket No. 070432-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 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 related 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 First Request Production of Documents Nos. 1, 2, and 4, and OPC's First Set of Interrogatories No. 6.

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 First Request for Production of Documents Nos. 1, 2, and 4, and OPC's First Set of Interrogatories No. 6 in connection with FPL's aforesaid petition.

Respectfully submitted this 19th day of September, 2007.

R. Wade Litchfield
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Natalie F. Smith
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By: s/ Natalie F. Smith
Natalie F. Smith
Florida Bar No. 470200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Motion for Temporary Protective Order has been furnished electronically and by United States Mail this 19th day of September, 2007, to the following:

Martha Brown, Esquire
Senior Attorney
Florida Public Service Commission
Gerald L. Gunter Building
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111 W. Madison St., Room 812
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By: s/ Natalie F. Smith
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