

**Ruth Nettles**

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**Sent:** Thursday, February 07, 2008 4:46 PM  
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**Subject:** Electronic Filing for Docket No. 080001-EI / FPL's Motion for Temporary Protective Order  
**Attachments:** FPL's Motion for Temporary Protective Order.doc

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SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

**Electronic Filing**

a. Person responsible for this electronic filing:

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b. Docket No. 080001-EI

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

c. Documents are being filed on behalf of Florida Power & Light Company.

d. There are 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: FPL's Motion for Temporary Protective Order.doc)*

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*(Confidential DN 00805-08)*

DOCUMENT NUMBER-DATE  
00978 FEB -7 8  
FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power )  
cost recovery clause with generating )  
performance incentive factor )

Docket No. 080001-EI

Filed: February 7, 2008

**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 included in Exhibit 3 to FPL's Petition for Approval of Improved Volatility Mitigation Mechanism ("Fuel Hedging Information") and in support states:

1. OPC has requested that it be permitted to inspect and potentially take possession of the Fuel Hedging Information which is confidential, proprietary business information.
2. Subsection (6)(c) of 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), F.A.C.

3. The confidential information 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

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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. This trade secret information is exempt from the Public Records Act pursuant to Section 366.093(3)(a), 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 Fuel Hedging Information.

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 Fuel Hedging Information contained in Exhibit 3 to FPL's Petition for Approval of Improved Volatility Mitigation Mechanism.

Respectfully submitted this 7th day of February, 2008.

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By: /s/ Jessica A. Cano  
Jessica A. Cano  
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**CERTIFICATE OF SERVICE**  
**Docket No. 080001-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically on this 7th day of February 2008, to the following:

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