

Marguerite Lockard

From: Jack Leon [Jack_Leon@fpl.com]
Sent: Thursday, February 28, 2008 1:14 PM
To: Filings@psc.state.fl.us
Cc: Wade_Litchfield@fpl.com; Natalie_Smith@fpl.com; Bert_Gonzalez@fpl.com; Bryan_Anderson@fpl.com
Subject: Electronic Filing for Docket No. 070432-EI / FPL's Motion for Temporary Protection Order
Attachments: FPL's Motion for Temporary Protective Order - Staff's 3d Int. 14 & 2nd POD No. 2_02-28-08.doc

Electronic Filing

a. Person responsible for this electronic filing:

Joaquin E. Leon, Esq.
 9250 W. Flagler St., Suite 6514
 Miami, FL 33174
 (305) 552-3922
 jack_leon@fpl.com

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 for Temporary Protection Order.

(See attached file: FPL's Motion for Temporary Protective Order - Staff's 3d Int. 14 & 2nd POD No. 2_02-28-08.doc)

Thank you for your attention and cooperation to this request.

Jack Leon
 Senior Attorney
 9250 W. Flagler St., Suite 6514
 Miami, FL 33174
 (305) 552-3922
 Fax: (305) 552-4911
 Cell: (305) 439-1661

CMP _____
 COM _____
 CTR _____
 ECR 1
 GCL 1
 OPC _____
 RCA _____
 SCR _____
 SGA _____
 SEC _____
 OTH 1 conf records

DOCUMENT NUMBER - DATE

01480 FEB 28 08

FPSC-COMMISSION CLERK

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: February 28, 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 in FPL's responses to the Staff of the Public Service Commission's ("Staff's") Third Set of Interrogatories No. 14 and Staff's Second Request for Production of Documents No. 2, 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. Office of Public Counsel 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 Staff's Third Set of Interrogatories No. 14 and Staff's Second Request for Production of Documents No. 2 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:

DOCUMENT NUMBER-DATE

01480 FEB 28 08

FPSC-COMMISSION CLERK

[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 Staff's Third Set of Interrogatories No. 14 and Staff's Second Request for Production of Documents No. 2.

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 Staff's Third Set of Interrogatories No. 14 and Staff's Second Request for Production of Documents No. 2 in connection with FPL's aforesaid petition.

Respectfully submitted this 28th day of February, 2008.

R. Wade Litchfield
Associate General Counsel
Bryan S. Anderson
Natalie F. Smith
Jessica Cano
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 691-7207
Facsimile: (561) 691-7135

By: s/ *Bryan S. Anderson*
Bryan S. Anderson
Florida Authorized House Counsel No. 219511

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 28th day of February, 2008, to the following:

Martha Brown, Esquire
Senior Attorney
Florida Public Service Commission
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Charles J. Beck, Esquire
Interim Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison St., Room 812
Tallahassee, FL 32399-1400

By: *s/ Bryan S. Anderson*
Bryan S. Anderson
Florida Authorized House Counsel No. 219511