

Ruth Nettles

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Sent: Wednesday, April 30, 2008 1:55 PM
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Subject: Electronic Filing for Docket No. 080001-EI/ FPL's Motion for Temporary Protective Order
Attachments: Motion for TPO (OPC's April 08 Informal Request).doc

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. The documents are being filed on behalf of Florida Power & Light Company.

d. There are a total of **4** pages.

e. The document attached for electronic filing is Florida Power & Light Company's Motion for Temporary Protective Order

(See attached file: Motion for TPO (OPC's April 08 Informal Request).doc)

DOCUMENT NUMBER-DATE

03486 APR 30 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: April 30, 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 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") requests for copies of confidential documents filed with the Commission in the above docket, specifically Exhibit GJY-1 to the testimony of Gerard Yupp dated April 3, 2008, Exhibit TOJ-1 to the testimony of Terry O. Jones dated April 3, 2008, FPL's response to Staff's March 5, 2008 Hedging Data Request, No. 21, and FPL's responses to Staff's April 4, 2008 data request, Nos. 1 and 2 (the "Confidential Response Information"), and in support states:

1. The Corporate Security Report that is Exhibit TOJ-1 was also attached to Mr. Jones' previous testimony filed in Docket No. 070001-EI. FPL requested confidential classification of the Corporate Security Report at that time. The Commission granted confidential classification of the Corporate Security Report by Order No. PSC-08-0165-CFO dated March 19, 2008.

2. Also responsive to OPC's request is fuel hedging information for which FPL has requested confidential classification. This fuel hedging information is contained in Exhibit GJY-1 to the prepared testimony Gerard. Yupp filed on April 3, 2008 (*see* Document No.

DOCUMENT NUMBER-DATE

03486 APR 30 8

FPSC-COMMISSION CLERK

02591-08), FPL's response to Staff's March 5, 2008 Hedging Data Request, No. 21 (*see* Document No. 1939-08), and FPL's responses to Staff's April 4, 2008 data request, Nos. 1 and 2 (*see* Document No. 03097-08). 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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CERTIFICATE OF SERVICE

Docket No. 080001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery and by U.S. Mail on April 30, 2008 to the following:

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