

Ruth Nettles

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Sent: Monday, June 23, 2008 10:35 AM
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Subject: Electronic Filing for Docket 080001-EI / Florida Power & Light Company's Motion for Temporary Protective Order
Attachments: Motion for TPO (OPC's 1st INTs and PODs).doc

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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 **3** 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 1st INTs and PODs).doc)

DOCUMENT NUMBER-DATE
05360 JUN 23 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: June 23, 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") First Request of Interrogatories (Nos. 1-6) and First Request for Production of Documents (Nos. 1-8) in the above docket (the "Confidential Response Information"), and in support states:

1. OPC's First Set of Interrogatories and First Request for Production of Documents request information on and ask FPL to produce documents related to FPL's Fuel Hedging Information. FPL has made that information available for review, and OPC now desires to take possession of those documents.

2. FPL seeks confidential protection for the Fuel Hedging Information because it comprises trade secrets of FPL and/or contractual data, the disclosure of which would impair FPL's ability to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of that 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. Pursuant to Section 366.093(3)(a), (d) and (e), Florida Statutes, such information constitutes proprietary confidential business information and is exempt from Section 119.07(1).

DOCUMENT NUMBER-DATE

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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 Confidential Response Information.

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 Confidential Response Information, as described above, against public disclosure.

Respectfully submitted,

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By: /s/ John T. Butler
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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 on June 23, 2008 to the following:

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