

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 090001-EI
Filed: March 11, 2009

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 certain FPL documents that are responsive to the Office of Public Counsel’s (“OPC’s) Second Request for Production of Documents (No. 6) in the above docket (the “Confidential Response Information”), and in support states:

1. OPC’s Second Request for Production of Documents requests information on and asks FPL to produce documents related to FPL’s fuel hedging gains and losses for the calendar year 2008. FPL has produced responsive documents and OPC has asked to take possession of a copy of certain of those documents, which contain Confidential Response Information. FPL seeks confidential protection for the Confidential Response Information because 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)

2. 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.

3. 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.

4. 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. 090001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery on March 11, 2009 to the following:

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