

**Marguerite McLean**

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**From:** Goorland, Scott [Scott.Goorland@fpl.com]  
**Sent:** Wednesday, April 29, 2009 4:47 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Martha Brown; McGLOTHLIN.JOSEPH; Kelly.jr@leg.state.fl.us  
**Subject:** Docket No. 090130-EI / FPL's Motion for Temporary Protective Order  
**Attachments:** FPL's Motion for Temporary Protective Order 4 29 09.pdf; FPL's Motion for Temporary Protective Order 4 29 09.doc

**ELECTRONIC FILING**

**a. Person responsible for this electronic filing:**

Scott A. Goorland, Esq.  
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(561) 304-5633  
[scott.goorland@fpl.com](mailto:scott.goorland@fpl.com)

**b. Docket No. 090130-EI; In re: depreciation study by Florida Power & Light Company**

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

**d. There are a total of 3 pages in the attached document.**

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

Sincerely,

Scott A. Goorland  
Principal Attorney

Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
(561) 304-5633

DOCUMENT NUMBER-DATE

04022 APR 29 8

FPSC-COMMISSION CLERK

4/29/2009

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: 2009 depreciation study by )  
Florida Power & Light Company )

Docket No: 090130-EI  
Filed: April 29, 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 Florida Public Service Commission (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 FPL's responses to the Office of Public Counsel's ("OPC's") First Set of Interrogatories, No. 46, and in support states:

1. OPC has requested that it be permitted to take possession of FPL's confidential, proprietary information included in FPL's response to the interrogatory identified above.

2. Subsection (6)(c) of Rule 25-22.006, Florida Administrative Code, 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.

3. The confidential information includes, but is not limited to, information related to competitive interests, the disclosure of which could harm 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.

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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 included in this response.

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 contained in FPL's response to OPC's First Set of Interrogatories, No. 46.

Respectfully submitted this 29th day of April, 2009.

R. Wade Litchfield  
Vice President of Regulatory Affairs  
and Chief Regulatory Counsel  
John T. Butler, Managing Attorney  
Scott A. Goorland, Principal Attorney  
Florida Power Light Company  
700 Universe Boulevard  
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Telephone: (561) 691-7101  
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By: s/ Scott A. Goorland  
Scott A. Goorland  
Fla. Bar No. 0066834

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail this 29th day of April, 2009, to the following:

Martha Brown, Esquire  
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Florida Public Service Commission  
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By: s/ Scott A. Goorland  
Scott A. Goorland