

Dorothy Menasco

From: Leon, Jack [Jack.Leon@fpl.com]
Sent: Friday, May 08, 2009 3:30 PM
To: Filings@psc.state.fl.us
Cc: Litchfield, Wade; Butler, John; Cano, Jessica
Subject: FPL's Motion for Temporary Protective Order - Docket No. 080677-EI
Attachments: FPL's Motion for Temporary Protective Order - Docket No. 080677-EI_5-8-09.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 080677-EI

In re: Petition for rate increase by
 Florida Power & Light Company

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

d. There are a total of 5 pages in the attached document.

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

Thank you for your attention and cooperation to this request.

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DOCUMENT NUMBER-DATE
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 FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for increase in rates by) Docket No. 080677-EI
Florida Power & Light Company)
)
In Re: 2009 depreciation and dismantlement) Docket No. 090130-EI
study by Florida Power & Light Company)
)
Filed: May 8, 2009

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 following discovery requests by Office of Public Counsel ("OPC") in connection with FPL's petition for increase in rates:

-OPC's First Request for Production of Documents Nos. 1, 6, 7, 8, 9;

-OPC's Second Request for Production of Documents Nos. 12, 13, 14, 15, 16, 17, 20, 21, 26, 33, 35, 36, 37, 38, 40, 42, 45, 47, 48, 49, 53, 59, 71, 72, 75, 78, 79, 80, 85, 86, 90, 92, 93, 98, 102, 104, 106, 107, 109, 113, 117, 119, 124, and 127;

-OPC's 3rd Request for Production of Documents Nos. 129, 139; and

-OPC's 4th Request for Production of Documents No. 149;

and in support states:

1. OPC 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 the above-referenced discovery requests in Docket No. 080677-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:

[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, trade secrets, bids or other contractual data, employee- and customer-specific information, 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 Sections 366.093(3)(a), (b), (d), (e) and (f), 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 the above-mentioned discovery requests.

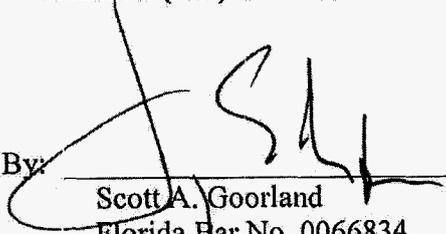
5. FPL has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion.

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 above-mentioned discovery requests by OPC, in connection with FPL's petition for increase in rates.

Respectfully submitted this 8th day of May, 2009.

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By:



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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 8th day of May, 2009, to the following:

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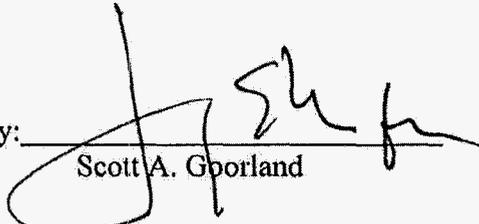
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