

Ruth Nettles

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Sent: Tuesday, May 19, 2009 11:08 AM
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Subject: Electronic Filing for Docket No. 080677-EI / Docket No. 090130-EI / FPL's Motion for Temporary Protective Order
Attachments: FPL's Motion for Temporary Protective Order, 5.19.09.doc; FPL's Motion for Temporary Protective Order, 5.19.09.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
Docket No. 090130-EI; In re: 2009 Depreciation and Dismantlement Study by Florida Power & Light Company**

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

d. There are a total of 4 pages in the attached document.

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

Sincerely,

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Attorney

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5/19/2009

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Increase in Rates by)
Florida Power & Light Company)

Docket No. 080677-EI

In re: 2009 Depreciation and Dismantlement)
Study by Florida Power & Light Company)

Docket No. 090130-EI
Filed: May 19, 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 supplemental response to the Office of Public Counsel's ("OPC's") First Request for Production of Documents No. 1 and FPL's supplemental responses to OPC's Second Request for Production of Documents Nos. 42, 92, and 98, 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 responses to the discovery requests 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.

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FPSC-COMMISSION CLERK

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.

4. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed to provide OPC this confidential information.

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 supplemental response to OPC's First Request for Production of Documents No. 1 and FPL's supplemental responses to OPC's Second Request for Production of Documents Nos. 42, 92, and 98.

Respectfully submitted this 19th day of May, 2009.

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By: s/ Jessica A. Cano
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 19th day of May, 2009, to the following:

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