

## Ruth Nettles

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**Sent:** Friday, June 26, 2009 1:42 PM  
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**Subject:** Electronic Filing - Docket # 080677-EI and 090130-EI  
**Attachments:** FPL's Motion for Temporary Protective Order, 6.26.09.pdf; FPL's Motion for Temporary Protective Order, 6.26.09.doc

### Electronic Filing

a. Person responsible for this electronic filing:

Jessica A. Cano, Esq.  
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b. Docket No. 080677-EI  
In Re: Petition for Increase in Rates by Florida Power & Light Company

Docket No. 090130-EI  
In re: 2009 Depreciation and Dismantlement Study by Florida Power & Light Company

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

d. There are a total of five (5) pages.

e. The document attached for electronic filing is:

Florida Power & Light Company's Motion for Protective Order

*(See attached file(s): FPL's Motion for Temporary Protective Order.6.26.09.pdf; FPL's Motion for Temporary Protective Order.6.26.09.doc)*

Regards,  
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DOCUMENT NUMBER-DATE

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6/26/2009

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: June 26, 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") Ninth Request for Production of Documents Nos. 231-234, 244-246; the Attorney General's Second Set of Interrogatories Nos. 38, 41-42, 48-49, 63-35, 68; SCU-4's First Set of Interrogatories Nos. 7, 12, 16; South Florida Hospital and Healthcare Association's ("SFHHA's") Eleventh Set of Interrogatories Nos. 315-316; Staff's First Request for Production of Documents No. 3; and Staff's Third Set of Interrogatories No. 16, 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

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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 the following: (i) internal audit controls and reports of internal auditors (exempt from the Public Records Act pursuant to section 366.093(3)(b), Florida Statutes); (ii) information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms (exempt from the Public Records Act pursuant to section 366.093(3)(d), Florida Statutes); (iii) information related to competitive interests, the disclosure of which could harm the competitive business of the provider of the information (exempt from the Public Records Act pursuant to section 366.093(3)(e), Florida Statutes); and (iv) employee personnel information unrelated to compensation, duties, qualifications or responsibilities (exempt from the Public Records Act pursuant to section 366.093(3)(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 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 responses to OPC's Ninth Request for Production of Documents Nos. 231-234, 244-246; the Attorney General's Second Set of Interrogatories Nos. 38, 41-42, 48-49, 63-35, 68; SCU-4's First Set of Interrogatories Nos. 7, 12, 16; SFHHA's Eleventh Set of Interrogatories Nos. 315-316; Staff's First Request for Production of Documents No. 3; and Staff's Third Set of Interrogatories No. 16

Respectfully submitted this 26th day of June, 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 26th day of June, 2009, to the following:

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