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090001-EI

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Subject: Electronic Filing / Dkt #090001 / FPL's Motion for Temporary Protective Order
Attachments: FPL's M.Temp.Protective Order (8.14.09).pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 090001 - EI
 In RE: Fuel and purchased power cost recovery clause with generating performance incentive factor

c. The Document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 3 pages

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

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DOCUMENT NUMBER-DATE

08454 AUG 14 8

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: August 14, 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 "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 contained in its 2010 Risk Management Plan (" Hedging Plan") that was included as Appendix III to FPL's 2009 estimated/actual true-up petition filed in this docket on August 4, 2009, and in support states:

1. OPC has requested that it be permitted to take possession of the Hedging Plan which contains confidential, proprietary business information. This information is confidential because it comprises trade secrets of FPL, which allow FPL to hedge the purchase of fuel on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other market participants 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. *See* § 366.093(3)(a), Fla. Stat. Additionally, the information contained in Hedging Plan includes information related to hedging-related bids or other contractual data, the disclosure of which would impair the efforts of FPL to hedge on favorable terms, to the detriment of FPL and its customers. *See* § 366.093(3)(d), Fla. Stat. This information is also related to competitive interests, and its disclosure would impair the competitive business of FPL. *See* § 366.093(3)(e), Fla. Stat. FPL filed a request for confidential classification of the Hedging Plan with the Commission on August 4, 2009.

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FPSC-COMMISSION CLERK

2. For the reasons just described, the confidential information contained in Hedging Plan constitutes proprietary confidential business information and is protected by Sections 366.093(3)(a)(d) and (e), Fla. Stat.

3. Subsection (6)(c) of 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.

4. 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 Fuel Hedging Plan.

5. 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 Hedging Plan, as described above, against public disclosure.

Respectfully submitted,

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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 electronically on this 14th day of August 2009, to the following:

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