

**Ruth Nettles**

100009-EI

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**Subject:** Docket #100009-EI / Electronic Filing / FPL's Motion for Temporary Protective Order  
**Attachments:** Motion for Temporary Protective Order 3.12.10pdf.pdf

**Electronic Filing**

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

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**OPC** \_\_\_\_\_  
**CLK** Y Peña

**b. Docket No. 100009-EI**

In Re: Nuclear Power Plant Cost Recovery Clause.

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

**d. There are a total of 4 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

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3/12/2010

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant )  
Cost Recovery Clause )

Docket No. 100009-EI  
Filed: March 12, 2010

**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 Exhibit TOJ-1 to FPL's pre-filed testimony of Terry O. Jones and Exhibit SDS-1 to FPL's pre-filed testimony of Steven D. Scroggs, and in support states:

1. On March 1, 2010, FPL filed a Request for Confidential Classification contemporaneously with its petition, testimony and exhibits in support of its Nuclear Power Plant Cost Recovery True-Up for the period ending 2009, requesting confidential classification of certain portions of Exhibits TOJ-1 and SDS-1 which contain confidential contract payment amounts. The Office of Public Counsel ("OPC") has requested copies of this confidential material.

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 data related to bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. This information is exempt from the Public Records Act pursuant to section 366.093(3)(d), Florida Statutes. Also, this information is 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 Record 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 the confidential information included in Exhibits TOJ-1 and SDS-1.

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 Exhibits TOJ-1 and SDS-1.

Respectfully submitted this 12th day of March, 2010.

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**CERTIFICATE OF SERVICE  
DOCKET NO. 100009-EI**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Motion for Temporary Protective Order was served by electronic delivery this 12th day of March, 2010 to the following:

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