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Subject: Electronic Filing / Docket #100001-EI / FPL's Motion for Temporary Protective Order
Attachments: 4.27.10. Dkt 100001 FPL's M Temp Protective Order.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 100001 - 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 4 pages

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

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FPSC-COMMISSION CLEAR

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Fuel and Purchased Power)
Cost Recovery Clause with Generating)
Performance Incentive Factor)

Docket No: 100001-EI

Filed: April 27, 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 GJY-1, which was filed with the testimony of Gerald J. Yupp, filed on April 1, 2010 in this docket, and in support states:

1. OPC has requested that it be permitted to take possession of FPL's confidential, proprietary information included in Exhibit GJY-1, as 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.

3. The confidential information includes, but is not limited to, information concerning bids or other contractual data the disclosure of which would impair the efforts of the 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), and information related to competitive interests, the disclosure of which could harm the competitive business of FPL and its vendors (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 the confidential information included in this exhibit.

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 Exhibit GJY-1.

Respectfully submitted this 27th day of April, 2010.

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By: /s/Scott A. Goorland
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CERTIFICATE OF SERVICE

Docket No. 100001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on April 27th, 2010 to the following:

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