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**Subject:** E-filing / Docket #100009-EI / FPL's Motion for Temporary Protective Order  
**Attachments:** Motion for Temporary Protective Order 4.28.10.pdf

**Electronic Filing**

a. Person responsible for this electronic filing:

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b. Docket No. 100009-EI

In Re: Nuclear Cost Recovery Clause

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

d. There are a total of pages 4.

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

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 03465 APR 28 2010  
 FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant )  
Cost Recovery Clause )

Docket No. 100009-EI  
Filed: April 28, 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, confidential information included in FPL's responses to the Office of Public Counsel's ("OPC's") First Request for Production of Documents Nos. 1, 2, 4, 5, 7, 9, 11, 15, 17, 19, and 20 and Second Request for Production of Documents Nos. 21, 22, 25, 27, 28, and 29, and in support states:

1. OPC has reviewed FPL's responses to OPC's First Request for Production of Documents and Second Request for Production of Documents, including the confidential responses thereto. OPC has requested copies of the confidential material provided in response to the 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.

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

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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. One response also contains partial social security numbers of employees, which is employee information unrelated to compensation, duties, qualifications or responsibilities. This information is exempt from the Public Record 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 the confidential information contained in its responses.

5. FPL has been authorized by counsel for OPC to represent that OPC does not object to 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 First Request for Production of Documents Nos. 1, 2, 4, 5, 7, 9, 11, 15, 17, 19, and 20 and Second Request for Production of Documents Nos. 21, 22, 25, 27, 28, and 29.

Respectfully submitted this 28th day of April, 2010.

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By: s/ Jessica A. Cano  
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**CERTIFICATE OF SERVICE  
DOCKET NO. 100009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Motion for Temporary Protective Order was served by electronic mail this 28th day of April, 2010 to the following:

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