

Marguerite McLean

100009-EI

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Subject: Electronic Filing - Docket # 100009-EI
Attachments: Motion for Temporary Protective Order 7.28.10.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 100009-EI

IN RE: Nuclear Power Plant Cost Recovery Clause

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

d. There are a total of four (4) pages.

e. The document attached for electronic filing is:

Florida Power & Light Company's Motion for Temporary Protective Order

(See attached file(s): Motion for Temporary Protective Order 7.28.10.pdf)

Regards,

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FPSC-COMMISSION CLERK

7/28/2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 100009-E1
Filed: July 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 the audit report entitled Review of Florida Power & Light's Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects attached to the joint testimony of Lynn Fisher and David Rich, and in support states:

1. The Office of Public Counsel ("OPC") has requested a copy of the audit report identified above, which contains confidential FPL information.

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, such as specific payment terms, the disclosure of which would violate nondisclosure terms of FPL's contracts with certain vendors and impair the efforts of FPL to contract for goods or services on favorable terms. This information is exempt

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FPSC-COMMISSION CLERK

from the Public Records Act pursuant to Section 366.093(3)(d), Florida Statutes. It also includes information related to competitive interests, the disclosure of which could harm the competitive business of FPL or its vendors. This information is exempt from the Public Record Act pursuant to Section 366.093(3)(e), Florida Statutes. Also included in the report is information related to internal auditing controls and reports of internal auditors, exempted by Section 366.093(3)(b) and employee personnel information unrelated to compensation, duties, qualifications or responsibilities, exempted by Section 366.093(3)(f), Florida Statutes. All of the information identified as confidential in the report is proprietary confidential business information as defined by Section 366.093(3), Florida Statutes. 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 the report.

4. 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 the report entitled Review of Florida Power & Light's Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects.

Respectfully submitted this 28th day of July, 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 electronically this 28th day of July, 2010 to the following:

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