

**Diamond Williams**

100001-EI

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**Sent:** Tuesday, August 24, 2010 2:39 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Electronic Filing / Docket #100001-EI / FPL's Motion for Temporary Protective Order  
**Attachments:** 8.24.10.FPL.MTPO (Hedging).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 2 pages

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

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- CLK Peña

8/24/2010

DOCUMENT NUMBER - DATE  
07036 AUG 24 2010  
FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Fuel and purchased power  
cost recovery clause with  
generating performance incentive  
factor.**

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**Docket No. 100001-EI**

**Filed: August 24, 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, the confidential information included in FPL's Hedging Information Report filed on August 16, 2010, and in support states:

1. OPC has requested that it be permitted to take possession of FPL's confidential, proprietary information included in FPL's Hedging Information Report.
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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3. The confidential information includes, but is not limited to, trade secrets of FPL (exempt from the Public Records Act pursuant to Section 366.093(3)(a), F.S.); information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates 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 the provider of the information (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 response.

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 FPL's Hedging Information Report filed on August 16, 2010.

Respectfully submitted this 24th day of August, 2010.

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

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 24th day of August, 2010, to the following:

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