

**Marguerite McLean**

110009-EI

**From:** Grenz, Barbara [Barbara.Grenz@fpl.com]  
**Sent:** Wednesday, July 06, 2011 3:52 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Keino Young; Anna Norris; 'mwalls@carltonfields.com'; 'bhuhtha@carltonfields.com'; 'mbernier@carltonfields.com'; 'vkaufman@kagmlaw.com'; 'jmoyle@kagmlaw.com'; 'mcglothlin.joseph@leg.state.fl.us'; 'Kelly.jr@leg.state.fl.us'; Charles Rehwinkel; 'john.burnett@pgnmail.com'; 'alex.glenn@pgnmail.com'; 'paul.lewisjr@pgnmail.com'; 'jbrew@bbrslaw.com'; 'ataylor@bbrslaw.com'; 'RMiller@pcsphosphate.com'; 'gadavis@enviroattorney.com'; 'jwhitlock@enviroattorney.com'; 'karen.white@tyndall.af.mil'; 'jwhitlock@enviroattorney.com'; 'gadavis@enviroattorney.com'; Anderson, Bryan; Cano, Jessica; Bussey, Jacqueline  
**Subject:** Electronic Filing - Docket No. 110009-EI  
**Attachments:** Florida Power & Light Company's Motion for Temporary Protective Order For Mr. Kundalkar's Deposition Transcript.pdf  
**Electronic Filing**

a. Person responsible for this electronic filing:

Jessica A. Cano, Esq.  
 Florida Power & Light Company  
 700 Universe Boulevard  
 Juno Beach, FL 33408  
 (561) 304-5226  
[Jessica.Cano@fpl.com](mailto:Jessica.Cano@fpl.com)

b. Docket No. 110009-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 For Mr. Kundalkar's Deposition Transcript

*See attached file(s): Motion for Temporary Protective Order for Mr. Kundalkar's Deposition Transcript.pdf*

Barbara Grenz, CP  
 Certified Paralegal  
 Senior Legal Assistant to  
 Bryan Anderson, Managing Attorney  
 William P. Cox, Senior Attorney  
 Florida Power & Light Company  
 Office: (561) 304-5608 Fax: (561) 691-7135  
 Email: [barbara.grenz@fpl.com](mailto:barbara.grenz@fpl.com)



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7/6/2011

DOCUMENT NUMBER-DATE  
 04637 JUL -6 =  
 FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant                    )  
Cost Recovery Clause                            )

Docket No. 110009-EI  
Date Filed: July 6, 2011

**FLORIDA POWER & LIGHT COMPANY'S  
MOTION FOR TEMPORARY PROTECTIVE ORDER  
FOR MR. KUNDALKAR'S DEPOSITION TRANSCRIPT**

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 deposition transcript of Mr. Rajiv Kundalkar, and states:

1. The Office of Public Counsel ("OPC") has taken the deposition of Mr. Kundalkar, who provided confidential FPL information during the deposition. A transcript of the deposition has been prepared and will be provided to OPC.

2. Subsection (6)(c) of Rule 25-22.006, Florida Administrative Code, provides in relevant part as follows with respect to OPC's possession of confidential 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 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 included is information related to competitive interests, the disclosure of which could harm the competitive

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FPSC-COMMISSION CLERK

business of the provider of the information. This information is exempt from the Public Records Act pursuant to Section 366.093(3)(e), Florida Statutes. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed for OPC to possess the confidential information contained in the deposition transcripts.

4. FPL has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion and that OPC is reserving its right to contest confidentiality at a later date if warranted.

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 deposition transcript of Mr. Kundalkar.

Respectfully submitted this 6th day of July, 2011.

Jessica A. Cano  
Florida Power Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5226  
Facsimile: (561) 691-7135

By: s/ Jessica A. Cano  
Jessica A. Cano  
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE  
DOCKET NO. 110009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Motion for Temporary Protective Order for Mr. Kundalkar's Deposition Transcript was served electronically and by this 6th day of June 2011, to the following:

Keino Young, Esq.  
Anna Williams, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
[KYOUNG@PSC.STATE.FL.US](mailto:KYOUNG@PSC.STATE.FL.US)  
[ANWILLIA@PSC.STATE.FL.US](mailto:ANWILLIA@PSC.STATE.FL.US)

J. R. Kelly, Esq.  
Charles Rehwinkel, Esq.  
Joseph McGlothlin, Esq.  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399  
[Kelly.jr@leg.state.fl.us](mailto:Kelly.jr@leg.state.fl.us)  
[Rehwinkel.Charles@leg.state.fl.us](mailto:Rehwinkel.Charles@leg.state.fl.us)  
[mcglothlin.joseph@leg.state.fl.us](mailto:mcglothlin.joseph@leg.state.fl.us)

J. Michael Walls, Esq.  
Blaise Huhta, Esq.  
Carlton Fields Law Firm  
P.O. Box 3239  
Tampa, Florida 33601-3239  
[mwalls@carltonfields.com](mailto:mwalls@carltonfields.com)  
[bhuhta@carltonfields.com](mailto:bhuhta@carltonfields.com)  
Attorneys for Progress

R. Alexander Glenn, Esq.  
John T. Burnett, Esq.  
Progress Energy Service Company, LLC  
P.O. Box 14042  
St. Petersburg, Florida 33733-4042  
[john.burnett@pgnmail.com](mailto:john.burnett@pgnmail.com)  
[alex.glenn@pgnmail.com](mailto:alex.glenn@pgnmail.com)  
Attorneys for Progress

Matthew Bernier, Esq.  
Carlton Fields Law Firm  
215 S. Monroe Street, Ste. 500  
Tallahassee, Florida 32301  
[mbernier@carltonfields.com](mailto:mbernier@carltonfields.com)

Mr. Paul Lewis, Jr.  
106 East College Ave., Suite 800  
Tallahassee, Florida 32301-7740  
[paul.lewisjr@pgnmail.com](mailto:paul.lewisjr@pgnmail.com)

Jon C. Moyle, Jr., Esq.  
Vicki Gordon Kaufman, Esq.  
Keefe Anchors Gordon & Moyle, PA  
118 North Gadsden Street  
Tallahassee, Florida 32301  
[vkaufman@kagmlaw.com](mailto:vkaufman@kagmlaw.com)  
[jmoyle@kagmlaw.com](mailto:jmoyle@kagmlaw.com)  
Attorneys for FIPUG

James W. Brew, Esq.  
F. Alvin Taylor, Esq.  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, DC 20007-5201  
[jbrew@bbrslaw.com](mailto:jbrew@bbrslaw.com)  
[ataylor@bbrslaw.com](mailto:ataylor@bbrslaw.com)  
Attorneys for PCS Phosphate

Randy B. Miller  
White Springs Agricultural Chemicals, Inc.  
Post Office Box 300  
15843 Southeast 78th Street  
White Springs, Florida 32096  
[RMiller@pcsphosphate.com](mailto:RMiller@pcsphosphate.com)

Karen S. White  
AFCESA/ULFSC  
139 Barnes Drive, Suite 1  
Tyndall AFB FL 32403-5319  
[karen.white@tyndall.af.mil](mailto:karen.white@tyndall.af.mil)

Gary A. Davis, Esq.  
James S. Whitlock, Esq.  
Gary A. Davis & Associates  
61 North Andrews Avenue  
PO Box 649  
Hot Springs, NC 28743  
[gadavis@enviroattorney.com](mailto:gadavis@enviroattorney.com)  
[jwhitlock@enviroattorney.com](mailto:jwhitlock@enviroattorney.com)  
Attorneys for SACE

By: *s/ Jessica A. Cano*  
Jessica A. Cano