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Subject: Electronic Filing - Docket No. 110009-EI
Attachments: Florida Power & Light Company's Motion for Temporary Protective Order For Audit Report.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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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 Audit Report

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

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DOCUMENT NUMBER-DATE
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 FPSC-COMMISSION CLERK

7/11/2011

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 110009-EI
Date Filed: July 11, 2011

**FLORIDA POWER & LIGHT COMPANY'S MOTION
FOR TEMPORARY PROTECTIVE ORDER FOR AUDIT REPORT**

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 "Review of Florida Power & Light Company's Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects" audit report ("Audit Report") prepared by the Florida Public Service Commission Office of Auditing and Performance Analysis, and states:

1. On June 24, 2011, FPL filed a Request for Confidential Classification of the Audit Report. The report will be attached to Staff's testimony in this docket, and the Office of Public Counsel ("OPC") will be provided with a copy of the confidential Audit Report.

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 Audit Report includes information concerning 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 included is information 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 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 Audit Report.

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 Audit Report.

Respectfully submitted this 11th day of July, 2011.

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By: s/ Jessica A. Cano
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**CERTIFICATE OF SERVICE
DOCKET NO. 110009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Motion for Temporary Protective Order was served electronically this 11th day of July, 2011 to the following:

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