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**Sent:** Thursday, April 26, 2012 4:37 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Electronic Filing / Dkt 120015-EI / FPL's Motion for Temporary Protective Order  
**Attachments:** 4.26.12 FPL Motion for Protective Order (Dkt 120015-EI).pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 120015 - EI  
In re: Petition for rate increase by Florida Power & Light Company

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

d. There are a total of 4 pages

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

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FPSC-COMMISSION CLERK

4/26/2012

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida  
Power & Light Company

Docket No. 120015-EI  
April 26, 2012

**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, certain confidential information included in FPL's Responses to the Office of Public Counsel's ("OPC") First Set of Interrogatories (No. 3), First Request for Production (Nos. 1-5), Florida Industrial Power Users Group's ("FIPUG") First Set of Interrogatories (No. 1) and First Request for Production (No. 1), Staff of the Commission's ("Staff") First Request for Production (Nos. 1, 2 and 11), South Florida Health and Hospital Association's ("SFHHA") First Request for Production (Nos. 4, 31, 40, 41, 46, 50, 55, 59, 61, 62, 70, 74, 75, 86, 88, 91, 104, 109 and 112) and First Set of Interrogatories (No. 100).

1. OPC has requested that it be permitted to inspect or take possession of FPL's confidential, proprietary information included in FPL's Responses to OPC's First Set of Interrogatories (No. 3), First Request for Production (Nos. 1-5), FIPUG's First Set of Interrogatories (No. 1) and First Request for Production (No. 1), Staff's First Request for Production (Nos. 1, 2 and 11), SFHHA's First Request for Production (Nos. 4, 31, 40, 41, 46, 50, 55, 59, 61, 62, 70, 74, 75, 86, 88, 91, 104, 109 and 112) and First Set of Interrogatories (No. 100) in this Docket.

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 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 but preserves the right to contest confidentiality of the subject documents.

WHEREFORE, for the foregoing reasons, FPL respectfully requests that the Commission enter a temporary protective order protecting against public disclosure of the confidential information contained in FPL's Responses to OPC's First Set of Interrogatories (No. 3), First Request for Production (Nos. 1-5), FIPUG's First Set of Interrogatories (No. 1) and First Request for Production (No. 1), Staff's First Request for Production (Nos. 1, 2 and 11), SFHHA's First Request for Production (Nos. 4, 31, 40, 41, 46, 50, 55, 59, 61, 62, 70, 74, 75, 86, 88, 91, 104, 109 and 112) and First Set of Interrogatories (No. 100).

Respectfully submitted this 26th day of April 2012.

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished electronically this 26th day of April 2012, to the following:

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