

Eric Fryson

From: Leon, Jack [Jack.Leon@fpl.com]
Sent: Monday, May 07, 2012 4:34 PM
To: Filings@psc.state.fl.us
Cc: Litchfield, Wade; Butler, John; Lee, David; Moncada, Maria; White, Jordan
Subject: FPL's Motion for Protective Order - SFHHA's 2nd Request for Production of Documents No. 125 - Docket No. 120015-EI

Attachments: MTPO (SFHHA's 2nd POD No. 125)_5-7-12.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. Documents are being filed on behalf of Florida Power & Light Company.

d. There are a total of 3 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Motion for Protective Order regarding FPL's response to SFHHA's 2nd Request for Production of Documents No. 125.

Thank you for your attention and cooperation to this request.

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5/7/2012

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 120015-EI
May 7, 2012

**FLORIDA POWER & LIGHT COMPANY'S MOTION FOR
TEMPORARY PROTECTIVE ORDER FOR CERTAIN CONFIDENTIAL
INFORMATION PROVIDED IN RESPONSE TO SOUTH FLORIDA HOSPITAL AND
HEALTHCARE ASSOCIATION'S SECOND REQUEST FOR PRODUCTION (NO. 125)**

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 Response to the South Florida Hospital and Healthcare Association's ("SFHHA") Second Request for Production (No. 125), and in support states:

1. The Office of Public Counsel ("OPC") has requested that it be permitted to inspect or take possession of FPL's confidential, proprietary information included in FPL's Response to SFHHA's Second Request for Production (No. 125) 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

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

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 FPL's Response to SFHHA's Second Request for Production (No. 125).

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 the confidential information contained in FPL's Response to SFHHA's Second Request for Production (No. 125).

Respectfully submitted this 7th day of May 2012.

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By: s/Maria J. Moncada
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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished electronically this 7th day of May 2012, to the following:

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