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Subject: Docket 120009-EI - Electronic filing FPL's Motion for Protective Order
Attachments: Motion for Temporary Protective Order, 6.12.12.pdf

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b. Docket No. 120009-EI

In Re: Nuclear Power Plant Cost Recovery Clause

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 FPL's Motion for Temporary Protective Order.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 120009-EI
Date Filed: June 12, 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, confidential information included in the Florida Public Service Commission Office of Auditing and Performance Analysis's working papers for Audit No. 12-010-4-1 and 12-010-4-2, and states:

1. Included in the working papers for Audit No. 12-010-4-1 and 12-010-4-2 is information that FPL has designated as confidential, pursuant to Rule 25-22.006(3)(a)2, Florida Administrative Code.

2. The Office of Public Counsel ("OPC") has requested a copy of the confidential working papers associated with Audit No. 12-010-4-1 and 12-010-4-2. 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.

2. The confidential information includes, but is not limited to, information concerning bids or other contractual data, including vendor payment terms, the disclosure of

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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. This information is also related to competitive interests, the disclosure of which could harm the competitive business of the provider of the information. Such information is exempt from the Public Records Act pursuant to Section 366.093(3)(e), Florida Statutes. Finally, there is certain information related to internal auditing controls and reports, which is exempt from the Public Records Act pursuant to Section 366.093(3)(b), Florida Statutes. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed for OPC to take possession of the confidential information contained in the working papers.

3. 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 confidential working papers for Audit No. 12-010-4-1 and 12-010-4-2.

Respectfully submitted this 12th day of June, 2012.

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By: s/ Jessica A. Cano
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**CERTIFICATE OF SERVICE
DOCKET NO. 120009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Motion for Temporary Protective Order was served by electronic mail this 12th day of June, 2012 to the following:

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