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To: Filings@psc.state.fl.us
Subject: Electronic Filing / Dkt 120015-EI / FPL's Motion for Temporary Protective Order
Attachments: 7.31.12 - FPL's MTPO (Suppl Response to OPC's 1st PODs No. 5).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 for Certain Confidential Information Provided in its Supplemental Response to the Office of Public Counsel's First Request for Production of Documents (No. 5).

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7/31/2012

DOCUMENT NUMBER-DATE

05098 JUL 31 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
July 31, 2012

**FLORIDA POWER & LIGHT COMPANY'S MOTION FOR TEMPORARY
PROTECTIVE ORDER FOR CERTAIN CONFIDENTIAL INFORMATION
PROVIDED IN ITS SUPPLEMENTAL RESPONSE TO THE OFFICE OF
PUBLIC COUNSEL'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (No. 5)**

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 Supplemental Response to the Office of Public Counsel's ("OPC") First Request for Production of Documents (No. 5), and in support states:

1. OPC has requested that it be permitted to inspect or take possession of FPL's confidential, proprietary information included in FPL's Supplemental Response to OPC's First Request for Production of Documents (No. 5).

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

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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 Supplemental Response to OPC's First Request for Production of Documents (No. 5).

5. FPL has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion but reserves 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 Supplemental Response to OPC's First Request for Production of Documents (No. 5).

Respectfully submitted this 31st day of July 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 31st day of July 2012, to the following:

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