

**Eric Fryson**

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**Sent:** Friday, August 10, 2012 4:47 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Litchfield, Wade; Butler, John; Lee, David; Moncada, Maria; White, Jordan  
**Subject:** FPL's Motion for Temporary Protective Order related to Staff's 12th Request for Production of Documents No. 89 - Docket No. 120015-EI  
**Attachments:** FPL's Motion for Temporary Protective Order re Staff's 12th PODs (No. 89)\_8-10-12.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 4 pages in the attached document.

e. The document attached for electronic filing is FPL's Motion for Temporary Protective Order related to Staff's 12th Request for Production of Documents No. 89.

Thank you for your attention and cooperation to this request.

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DOCUMENT NUMBER-DATE

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8/10/2012

FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 120015-EI  
August 10, 2012

**FLORIDA POWER & LIGHT COMPANY'S MOTION FOR TEMPORARY  
PROTECTIVE ORDER FOR CERTAIN CONFIDENTIAL INFORMATION PROVIDED  
IN RESPONSE TO FLORIDA PUBLIC SERVICE COMMISSION STAFF'S  
TWELFTH REQUEST FOR PRODUCTION OF DOCUMENTS (No. 89)**

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 Commission Staff's Twelfth Request for Production of Documents (No. 89).

1. OPC has requested that it be permitted to inspect or take possession of FPL's confidential, proprietary information included in FPL's Response to Commission Staff's Twelfth Request for Production of Documents (No. 89) 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 the 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, the 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 the confidential information contained in FPL's Response to Commission Staff's Twelfth Request for Production of Documents (No. 89).

Respectfully submitted this 10th day of August 2012.

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By: s/ Jordan A. White  
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been furnished electronically this 10th day of August, 2012, to the following:

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