

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Fuel and purchase power cost recovery  
clause with generating performance incentive  
factor

Docket No: 140001-EI  
Date: November 4, 2014

**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 its responses to the Office of Public Counsel's ("OPC's") Sixth Set of Interrogatories (No. 65) and Sixth Request for Production of Documents (Nos. 35-37), Nos. 35 and 36, to Florida Power & Light and states:

1. FPL is providing OPC with a copy of the confidential documents responsive to OPC's request. 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 documents include information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. Such information is exempt from the Public Records Act pursuant to Section 366.093(3)(d), Florida Statutes. The confidential documents

also include information relating to competitive interests, the disclosure of which would impair the competitive business of FPL or its vendors. Such information is exempt from the Public Records Act pursuant to Section 366.093(3)(e), Florida Statutes. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed to provide OPC the confidential documents.

3. FPL has been authorized by counsel for OPC to represent that OPC has no objection to the motion, but reserves its right to object to the claim for confidentiality at a later date.

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 its responses to OPC's Sixth Set of Interrogatories (No. 65) and Sixth Request for Production of Documents (Nos. 35-37), Nos. 35 and 36, to Florida Power & Light.

Respectfully submitted this 4<sup>th</sup> day of November, 2014.

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By: s/ Scott A. Goorland  
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**CERTIFICATE OF SERVICE**

**Docket No. 140001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic service on this 4<sup>th</sup> day of November, 2014 to the following:

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