

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 7, 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") Seventh Request for Production of Documents (Nos. 39) 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 Seventh Request for Production of Documents (No. 39) to Florida Power & Light.

Respectfully submitted this 7th day of November, 2014.

R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
Assistant General Counsel-Regulatory
Scott A. Goorland, Esq.
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5795
Facsimile: (561) 691-7135

By: s/ Scott A. Goorland
Scott A. Goorland
Fla. Bar No. 0066834

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 7th day of November, 2014 to the following:

Martha F. Barrera, Esq.
Julia E. Gilcher, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850
mbarrera@psc.state.fl.us
jgilcher@psc.state.fl.us

Jon C. Moyle, Esq.
Moyle Law Firm, P.A.
118 N. Gadsden St.
Tallahassee, FL 32301
Counsel for FIPUG
jmoyle@moylelaw.com

Beth Keating, Esq.
Gunster Law Firm
Attorneys for FPUC
215 South Monroe St., Suite 601
Tallahassee, Florida 32301- 1804
bkeating@gunster.com

John T. Burnett, Esq.
Dianne M. Triplett, Esq.
Attorneys for DEF
209 First Avenue North
St. Petersburg, Florida 33701
john.burnett@duke-energy.com
dianne.triplett@duke-energy.com

James D. Beasley, Esq
J. Jeffrey Wahlen, Esq.
Ashley M. Daniels
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302
jbeasley@ausley.com
jwahlen@ausley.com
adaniels@ausley.com

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Steven R. Griffin, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, FL 32591-2950
jas@beggslane.com
rab@beggslane.com
srg@beggslane.com

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Gardner, Bist, Wiener, et al.
Attorneys for Florida Retail Federation
1300 Thomaswood Drive
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com

James W. Brew, Esq
F. Alvin Taylor, Esq.
Attorney for White Springs
Brickfield, Burchette, Ritts & Stone, P.C
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@bbrslaw.com
ataylor@bbrslaw.com

J. R. Kelly, Esq.
Patricia Christensen, Esq.
Charles Rehwinkel, Esq.
Joseph A. McGlothlin, Esq.
Erik L. Sayler, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
kelly.jr@leg.state.fl.us
christensen.patty@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
mcglathlin.joseph@leg.state.fl.us
sayler.erik@leg.state.fl.us

Michael Barrett
Division of Economic Regulation
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850
mbarrett@psc.state.fl.us

By: s/ Scott A. Goorland
Scott A. Goorland
Fla. Bar No. 0066834