

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Power & Light Company.

DOCKET NO. 160021-EI
ORDER NO. PSC-16-0183-CFO-EI
ISSUED: May 4, 2016

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
MOTION FOR TEMPORARY PROTECTIVE ORDER

On May 2, 2016, pursuant to Section 366.093(3), Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida Power & Light Company (FPL) filed a Motion for Temporary Protective Order for its responses to the Office of Public Counsel's (OPC) Fourth Set of Interrogatories Nos. 145 and 149 and Third Request for Production of Documents Nos. 89 and 90. FPL's response to OPC's Fourth Set of Interrogatories No. 145 consists of the actual and estimated capital spending by year from 2014 to 2018 by type of compliance for FPL's nuclear operations. FPL's response to OPC's Fourth Set of Interrogatories No. 149 consists of the actual and estimated capital spending by year from 2014 to 2018 for the replacement and refurbishment of the RCP motors. FPL's response to OPC's Third Request for Production of Documents No. 89 consists of all contracts referenced on Schedule C-10 that support FPL's requested rate case expense. FPL's response to OPC's Third Request for Production of Documents No. 90 consists of the complete documentation describing Project Momentum and all company correspondence with employees regarding Project Momentum.

Motion for Temporary Protective Order

FPL seeks protection of these documents as provided in Section 366.093(3), F.S., and Rule 25-22.006(6)(c), F.A.C., while the material is in the possession of OPC. Section 366.093(2), F.S., directs that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by any party subject to the public records law as confidential and exempt from the public records law, Section 119.07(1), F.S. Rule 25-22.006(6), F.A.C., codifies the Commission's policy regarding the protection of confidential information from public disclosure during the discovery process in a manner that is not overly burdensome to both parties. Rule 25-22.006(6)(a), F.A.C., in pertinent part, states:

In any formal proceeding before the Commission, any utility or other person may request a protective order protecting proprietary confidential business information from discovery. Upon a showing by a utility or other person and a finding by the Commission that the material is entitled to protection, the Commission shall enter a protective order limiting discovery in the manner provided for in Rule 1.280, Florida Rules of Civil Procedure.


In addition, Rule 25-22.006(6)(c), F.A.C., states that if a party allows OPC to inspect or take possession of utility information, then that "utility may request a temporary protective order exempting the information from section 119.07(1), F.S."

Upon consideration of FPL's assertions of the confidential nature of the information contained in its responses to OPC's Fourth Set of Interrogatories Nos. 145 and 149 and Third Request for Production of Documents Nos. 89 and 90, FPL's Motion for Temporary Protective Order is hereby granted. As a result, this information shall be protected from disclosure pursuant to Rule 25-22.006(6)(c), F.A.C.

Based on the foregoing, it is hereby

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Florida Power & Light Company's Motion for Temporary Protective Order regarding its responses to OPC's Fourth Set of Interrogatories Nos. 145 and 149 and Third Request for Production of Documents Nos. 89 and 90 is granted.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 4th day of May, 2016.


LISA POLAK EDGAR
Commissioner and Prehearing Officer
Florida Public Service Commission
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

SBr

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-

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the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.