

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost)
Recovery Clause)

Docket No. 170009-EI
Date Filed: May 8, 2017

**FLORIDA POWER & LIGHT COMPANY'S MOTION
FOR PROTECTIVE ORDER TO PROTECT CONFIDENTIAL DOCUMENTS
PRODUCED TO THE CITY OF MIAMI**

Pursuant to Section 366.093(3), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, Florida Power & Light Company ("FPL"), hereby moves the Florida Public Service Commission (the "Commission"), through the Prehearing Officer, for a protective order to exempt from Section 119.07(1), Florida Statutes, and protect from public disclosure, confidential information produced in discovery to the City of Miami ("Miami"). In support thereof, FPL states:

1. Miami has requested a copy of the confidential documents produced in response to Miami's First Request for Production of Documents Nos. 7, 8, and 10.

2. Subsection (6)(a) of Rule 25-22.006, Florida Administrative Code, provides that any utility or other person may request a protective order protecting proprietary confidential business information from discovery. Subsection (6)(b) further states as follows:

The Commission's protective orders shall exempt proprietary confidential business information from Section 119.07(1), F.S. While a request for a protective order is pending, the information asserted to be confidential shall also be exempt from Section 119.07(1), F.S. Such exemption shall apply whether the information is in the possession of an entity, individual, or state agency, including the Office of Public Counsel.

The City of Miami ordinarily would be subject to the requirements of Section 119.07(1), Florida Statutes. Accordingly, FPL's requested protective order is necessary to prevent the public disclosure of confidential information provided to Miami.

3. The confidential information provided in FPL's discovery responses includes information related to competitive interests, the disclosure of which could harm the competitive business of the provider of the information. Such information is exempt from the Public Records Act pursuant to Section 366.093(3)(e), Florida Statutes. This includes information from other electric utilities and vendors working for those other utilities, and information from one of FPL's vendors.

4. FPL has been authorized by counsel for Miami to represent that Miami takes no position on this motion.

WHEREFORE, for the foregoing reasons, FPL respectfully requests that the Commission enter a protective order protecting against public disclosure the confidential documents provided to the City of Miami in response to Miami's First Request for Production of Documents Nos. 7, 8, and 10.

Respectfully submitted this 8th day of May, 2017.

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**CERTIFICATE OF SERVICE
DOCKET NO. 170009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Motion for Protective Order was served electronically this 8th day of May, 2017, to the following:

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