

**Ruth Nettles**

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**From:** John\_Butler@fpl.com  
**Sent:** Tuesday, April 22, 2008 3:38 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** McGLOTHLIN.JOSEPH" <MCGLOTHLIN.JOSEPH@leg.state.fl.us/OU=, mwalls@carltonfields.com, miketwomey  
**Subject:** Electronic Filing for Docket No. 080009-EI/ FPL's Motion for Temporary Protective Order  
**Attachments:** FPL's Motion for Temporary Protective Order.doc

**Electronic Filing**

**a.** Person responsible for this electronic filing:

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**b.** Docket No. 080009-EI

In Re: Nuclear Power Plant Cost Recovery Clause

**c.** The documents are being filed on behalf of Florida Power & Light Company.

**d.** There are a total of **3** pages.

**e.** The document attached for electronic filing is Florida Power & Light Company's Motion for Temporary Protective Order

*(See attached file: FPL's Motion for Temporary Protective Order.doc)*

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Nuclear Power Plant )  
Cost Recovery Clause )

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Docket No. 080009-EI  
Filed: April 22, 2008

**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 Commission, through the Prehearing Officer, for a temporary protective order to exempt from Section 119.07(1) confidential information contained in responses by FPL to the Office of Public Counsel's ("OPC's") First Set of Interrogatories (Nos. 1-11) and First Request for Production of Documents (Nos. 1-13) in the above docket (the "Confidential Response Information"), and in support states:

1. OPC's First Set of Interrogatories and First Request for Production of Documents request cost allocation information and analysis. FPL seeks confidential protection for the cost allocation information and analysis because it would provide competitors insight into FPL's contractual agreements that would impair FPL's ability to negotiate, to the detriment of FPL and its customers. *See* § 366.093(3) (a) and (e) Fla. Stat (2005).

2. OPC's First Set of Interrogatories and First Request for Production of Documents also request information that supports FPL's project management activities. These documents contain and/or comprise company practices and procedures. FPL seeks confidential protection for the practices and procedures because they comprise proprietary confidential business information that contains or constitutes internal auditing controls. *See* § 366.093(3) (b) Fla. Stat (2005).

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FPSC-COMMISSION CLEAR

3. For the reasons just described, the Confidential Response Information constitutes proprietary confidential business information and is protected by Sections 366.093(3)(a), (b), and (e) of the Florida Statutes.

4. Rule 25-22.006(6)(c) provides in relevant part:

[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.

5. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed in order to allow OPC to take possession of the Confidential Response Information.

6. FPL has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion.

WHEREFORE, FPL respectfully requests that the Commission enter a temporary protective order protecting the Confidential Response Information, as described above, against public disclosure.

Respectfully submitted,

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By:           /s/ John T. Butler            
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Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

**Docket No. 080009-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery on April 22, 2008 to the following:

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