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Sent: Wednesday, April 22, 2009 2:13 PM
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Subject: Docket No. 080677-EI / FPL's Motion for Temporary Protective Order
Attachments: FPL's Motion for Temporary Protective Order, 4.22.09.doc; FPL's Motion for Temporary Protective Order, 4.22.09.pdf

ELECTRONIC FILING

a. Person responsible for this electronic filing:

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b. Docket No. 080677-EI; In re: Petition for rate increase by Florida Power & Light Company

c. Documents are being filed on behalf of Florida Power & Light Company.

d. There are a total of 4 pages in the attached document.

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

Sincerely,

Jessica A. Cano
Attorney

Florida Power & Light Company
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4/22/2009

DOCUMENT NUMBER-DATE
03730 APR 22 8
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**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Increase in Rates by)
Florida Power & Light Company)

Docket No. 080677-EI
Filed: April 22, 2009

**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, certain confidential information included in FPL's responses to the Office of Public Counsel's ("OPC's") First Request for Production of Documents ("POD") Nos. 1, 6, 7 and 9 and OPC's Second Request for POD Nos. 11-14, 21, 33, 35-36, 40, 42, 45-49, 53, 59, 71-73, 75, 77-81, 85-86, 90, 92-93, 98, 102, 104, 106-107, 109, 113, 117, 119 and 124, and in support states:

1. OPC has requested that it be permitted to take possession of FPL's confidential, proprietary information included in FPL's responses to the PODs identified above.

2. 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.

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3. The confidential information includes, but is not limited to the following: (i) trade secrets (exempt from the Public Records Act pursuant to section 366.093(3), Florida Statutes); (ii) internal audit controls and reports of internal auditors (exempt from the Public Records Act pursuant to section 366.093(3)(b), Florida Statutes); (iii) security measures, systems, or procedures (exempt from the Public Records Act pursuant to section 366.093(3)(c), Florida Statutes); (iv) information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms (exempt from the Public Records Act pursuant to section 366.093(3)(d), Florida Statutes); (v) information related to competitive interests, the disclosure of which could harm the competitive business of the provider of the information (exempt from the Public Records Act pursuant to section 366.093(3)(e), Florida Statutes); (vi) employee personnel information unrelated to compensation, duties, qualifications or responsibilities (exempt from the Public Records Act pursuant to section 366.093(3)(f), Florida Statutes); and (vii) customer-specific account information. It is FPL's policy not to disclose customer-specific information, except as required by law, to entities or persons other than the customer absent the customer's consent. FPL's policy is premised upon customers' right to privacy and the potential that the disclosure of customer specific information may harm some customers' competitive interests (exempt from the Public Records Act pursuant to section 366.093(3)(e), Florida Statutes).

4. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed to provide OPC the confidential information included in these responses.

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

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 FPL's responses to OPC's First Request for Production of Documents Nos. 1, 6, 7 and 9 and OPC's Second Request for Production of Documents Nos. 11-14, 21, 33, 35-36, 40, 42, 45-49, 53, 59, 71-73, 75, 77-81, 85-86, 90, 92-93, 98, 102, 104, 106-107, 109, 113, 117, 119 and 124.

Respectfully submitted this 22nd day of April, 2009.

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By: s/ Jessica A. Cano
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 22nd day of April, 2009, to the following:

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