

Ruth Nettles

From: LOWE, AMY [Amy.Lowe@fpl.com]
Sent: Friday, May 15, 2009 8:23 AM
To: Filings@psc.state.fl.us
Cc: Lisa Bennett; Anna Williams; Martha Brown; Jean Hartman; sugarman@sugarmansusskind.com; mbraswell@sugarmansusskind.com; Kelly.jr@leg.state.fl.us; mcglathlin.joseph@leg.state.fl.us; swright@yvlaw.net; jlavia@yvlaw.net; kwiseman@andrewskurth.com; msundback@andrewskurth.com; jspina@andrewskurth.com; lisapurdy@andrewskurth.com; jmoyle@kagmlaw.com; vkaufman@kagmlaw.com; jmcwhirter@mac-law.com; barmstrong@ngnlaw.com; mstern@ngnlaw.com; SaporitoEnergyConsultants@gmail.com; cecilia.bradley@myfloridalegal.com; Cano, Jessica; Leon, Jack; Anderson, Bryan; Butler, John; Litchfield, Wade
Subject: Electronic Filing - Docket # 080667 and # 090130
Attachments: FPL's Motion for Temporary Protective Order, 5.15.09.doc; FPL's Motion for Temporary Protective Order, 5.15.09.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Jessica A. Cano, Esq.
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
(561) 304-5226
Jessica.Cano@fpl.com

b. Docket No. 080677
In Re: Petition for Increase in Rates by Florida Power & Light Company

Docket No. 090130
In re: 2009 Depreciation and Dismantlement Study by Florida Power & Light Company

c. The document is being filed on behalf of Florida Power & Light Company.

d. There are a total of four (4) pages.

e. The document attached for electronic filing is:

Florida Power & Light Company's Motion for Temporary Protective Order

(See attached file(s): FPL's Motion for Temporary Protective Order.5.15.09.doc and FPL's Motion for Temporary Protective Order.5.15.09.pdf)

Regards,
Amy Lowe, CLA
Certified Legal Assistant
Senior Legal Assistant to
Bryan Anderson, Senior Attorney
Florida Power & Light Company
Office: (561) 304-5608 Fax: (561) 691-7135
Email: amy.lowe@fpl.com

DOCUMENT NUMBER-DATE

04700 MAY 15 8

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 080677-EI

In re: 2009 Depreciation and Dismantlement)
Study by Florida Power & Light Company)

Docket No. 090130-EI
Filed: May 15, 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 response to the Office of Public Counsel's ("OPC's") Fourth Set of Interrogatories No. 252 and FPL's response to the South Florida Hospital and Healthcare Association's ("SFHHA's") First Request for Production of Documents No. 12, 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 discovery requests 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.

DOCUMENT NUMBER-DATE

04700 MAY 15 8

FPSC-COMMISSION CLERK

3. The confidential information includes, but is not limited to, 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. This information is exempt from the Public Records Act pursuant to section 366.093(3)(d), Florida Statutes. Also included is information related to competitive interests, the disclosure of which could harm the competitive business of the provider of the information. This information is 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 this confidential information.

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 Fourth Set of Interrogatories No. 252 and SFHHA's First Request for Production of Documents No. 12

Respectfully submitted this 15th day of May, 2009.

R. Wade Litchfield, V.P. of Regulatory
Affairs and Chief Regulatory Counsel
John T. Butler, Managing Attorney
Jessica A. Cano, Attorney
Florida Power Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

By: s/ Jessica A. Cano
Jessica A. Cano
Fla. Bar No. 0037372

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 15th day of May, 2009, to the following:

Lisa Bennett, Esquire
Anna Williams, Esquire
Martha Brown, Esquire
Jean Hartman, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-1400
LBENNETT@PSC.STATE.FL.US
ANWILLIA@PSC.STATE.FL.US
mbrown@psc.state.fl.us
JHARTMAN@PSC.STATE.FL.US

J.R. Kelly, Esquire
Joseph A. McGlothlin, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
Attorneys for the Citizens of the State
of Florida
Kelly.jr@leg.state.fl.us
mcglothlin.joseph@leg.state.fl.us

Kenneth L. Wiseman, Esquire
Mark F. Sundback, Esquire
Jennifer L. Spina, Esquire
Lisa M. Purdy, Esquire
Andrews Kurth LLP
1350 I Street, NW, Suite 1100
Washington, DC 20005
Attorneys for South Florida Hospital and
Healthcare Association ("SFHHA")
kwiseman@andrewskurth.com
msundback@andrewskurth.com
jspina@andrewskurth.com
lispurdy@andrewskurth.com

Robert A. Sugarman, Esquire
D. Marcus Braswell, Jr., Esquire
c/o Sugarman & Susskind, P.A.
100 Miracle Mile, Suite 300
Coral Gables, FL 33134
Attorneys for I.B.E.W. System Council U-4
sugarman@sugarmansusskind.com
mbraswell@sugarmansusskind.com

Robert Scheffel Wright, Esquire
John T. LaVia, III, Esquire
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, Florida 32301
Attorneys for the Florida Retail Federation
swright@yvlaw.net
jlavia@yvlaw.net

Jon C. Moyle, Jr., Esquire
Vicki Gordon Kaufman, Esquire
Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, FL 32301
Attorneys for The Florida Industrial Power
Users Group (FIPUG)
jmoyle@kagmlaw.com
vkaufman@kagmlaw.com

John W. McWhirter, Jr., Esquire
c/o McWhirter Law Firm
P.O. Box 3350
Tampa, FL 33601
Attorneys for The Florida Industrial Power
Users Group (FIPUG)
jmcwhirter@mac-law.com

Thomas Saporito
Post Office Box 8413
Jupiter, FL 33465-8413
SaporitoEnergyConsultants@gmail.com

Brian P. Armstrong, Esquire
Marlene K. Stern, Esquire
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308
Attorneys for the City of South Daytona,
Florida
barmstrong@ngnlaw.com
mstern@ngnlaw.com

Cecilia Bradley
Senior Assistant Attorney General
Office of the Attorney General
The Capitol - PL01
Tallahassee, FL 32399-1050
cecilia.bradley@myfloridalegal.com

By: s/ Jessica A. Cano
Jessica A. Cano
Fla. Bar No. 0037372