

**Marguerite McLean**

080677-EI

**From:** stephens@cpccpc.com  
**Sent:** Wednesday, August 19, 2009 12:44 PM  
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**Subject:** Unger Motion for Protective Order  
**Attachments:** Richard Unger's Motion for a Protection Order.pdf

Electronic Filing

a. Person responsible for filing:

Stephen Stewart  
P.O. Box 12878  
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Phone: 850-766-6208

b. Docket No. 80677-EI

c. Document being filed on behalf of Richard Unger

d. There is a total of 4 pages.

e. The document attached for electronic filing is Richard Unger's Motion for a Protective Order.

Thank you for your attention and cooperation to this request.

Stephen Stewart  
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DOCUMENT NUMBER-DATE

08633 AUG 19 8

FPSC-COMMISSION CLERK

8/19/2009

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. : 080677-E1  
Filed: August 19,2009

**RICHARD UNGER'S MOTION FOR PROTECTIVE ORDER AGAINST FLORIDA POWER  
AND LIGHT COMPANY'S MOTION FOR DEPOSITION**

Richard Unger, pursuant to Rule 1.280(c) of the Florida Rules of Civil Procedure, hereby seeks a  
an order from the Commission to protect Mr. Unger from annoyance and undue burden by denying  
Florida Power and Light Company's (FPL) request for deposition based on the following:

1. On August 14, 2009, Mr. Unger's representative, Mr. Stewart, contacted FPL attorney  
Scott Goorland and asked what FPL hoped to accomplish through the deposition. Mr. Goorland stated  
FPL wanted to find out Mr. Unger's position on the issues and where he was coming from. Mr. Stewart  
conveyed to Mr. Goorland that Mr. Unger is a customer of FPL and does not want his rates to increase. In  
addition, he thinks the rate request is unfair and that it should be denied. Mr. Goorland stated this was not  
sufficient to avoid a deposition. Since that time, for hearing purposes, Mr. Unger has adopted the  
positions of the Office of Public Counsel (OPC).

2. Given Mr. Unger's basic position on FPL's rate request, his written correspondence with  
FPL about the rate case and their response, his limited knowledge of the technical issues in this case, and  
the fact he is not an expert witness and will not be testifying, it is unreasonable to conclude that FPL's  
deposition will discover any admissible evidence.

3. In addition, any information garnered from Mr. Unger in a deposition, beyond what is already known, is likely subject to attorney-client privilege.

Therefore, Mr. Unger seeks a protective order from this commission based on Rule 1.280(c) of the Florida Rules of Civil Procedure.

Stephen Stewart  
Representative for Mr. Unger  
(850)766-6208

By: /s/ Stephen Stewart  
Stephen Stewart

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 19th day of August, 2009, to the following:

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