# **Diamond Williams**

100009-E-

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Subject:	Electronic Filing - Docket # 100009-El

Attachments: Motion for Temporary Protective Order 7.1.10.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. 100009-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 five (5) pages.

e. The document attached for electronic filing is: Florida Power & Light Company's Motion For Temporary Protective Order (See attached file(s): Motion for Temporary Protective Order 7.1.10.pdf) Regards, Any Lowe, CLA Certified Legal Assistant COM APA ECR GCL CLK Period

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

7/2/2010

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FPSC-COLL SSERVEL

#### **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant )
Cost Recovery Clause )

Docket No. 100009-EI Filed: July 1, 2010

PSS-Government of the

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## 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, confidential information included in FPL's response to the Office of Public Counsel's ("OPC's") Third Request for Production of Documents Nos. 34-36, 40, 47-53, 55-61, 63, 66, and 67, and in FPL's responses to OPC's Third Set of Interrogatories Nos. 37 and 45 and in support states:

1. OPC has reviewed FPL's responses to OPC's Third Request for Production of Documents, including the confidential responses thereto, and the confidential interrogatory responses included in response to OPC's Third Set of Interrogatories. OPC has requested a copy of the confidential material 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.

3. The confidential information includes, but is not limited to, information concerning bids or other contractual data, such as specific payment terms, 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. FPL's responses also include information related to competitive interests, the disclosure of which could harm the competitive business of the provider of the information. For example, this information contains proprietary data that will be used by FPL in negotiations with vendors, and disclosure would therefore harm FPL and its customers. This information is exempt from the Public Record Act pursuant to section 366.093(3)(e), Florida Statutes. Also included in FPL's responses is information related to trade secrets (exempt from the Public Records Act pursuant to section 366.093(3)(a), Florida Statutes) and employee personnel information unrelated to compensation, duties, qualifications or responsibilities, including social security numbers (exempt from the Public Records Act pursuant to section 366.093(3)(f), Florida Statutes). FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed to provide OPC the confidential information contained in its response.

4. FPL has been authorized by counsel for OPC to represent that OPC does not object to 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 Third Request for Production of Documents Nos. 34-36, 40, 47-53, 55-61, 63, 66, and 67, and in FPL's responses to OPC's Third Set of Interrogatories Nos. 37 and 45.

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Respectfully submitted this 1st day of July, 2010.

Jessica A. Cano, Principal Attorney Florida Power Light Company 700 Universe Boulevard Juno Beach, FL 33408 Telephone: (561) 304-5226 Facsimile: (561) 691-7135

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

### CERTIFICATE OF SERVICE DOCKET NO. 100009-EI

I HEREBY CERTIFY that a true and correct copy of FPL's Motion for Temporary Protective Order was served electronically this 1st day of July, 2010, to the following:

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