

Diamond Williams

110009-EI

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Sent: Wednesday, May 04, 2011 1:26 PM
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Subject: Electronic Filing - Docket # 110009-EI
Attachments: Motion for Temporary Protective Order, 5.4.11.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 110009-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 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): Motion for Temporary Protective Order.5.4.11.pdf

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DOCUMENT NUMBER - DATE
 03093 MAY -4 =
 FPSC-COMMISSION CLERK

5/4/2011

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 110009-EI
Date Filed: May 4, 2011

**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 responses to discovery from the Office of Public Counsel, and states:

1. OPC has requested a copy of the following confidential documents:
 - FPL's supplemental response to OPC's First Request for Production of Documents No. 21;
 - FPL's supplemental response to OPC's Second Request for Production of Documents No. 32;
 - FPL's responses to OPC's Fourth Request for Production of Documents Nos. 42-47 (including supplemental responses to Nos. 43 and 47);
 - FPL's responses to OPC's Seventh Request for Production of Documents Nos. 61-62;
 - FPL's responses to OPC's Eighth Request for Production of Document No. 63 and 65; and
 - FPL's confidential responses to OPC's Sixth Set of Interrogatories Nos. 41, 45, and 49.

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 confidential 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

03093 MAY-4 =

FPSC-COMMISSION CLERK

3. The confidential information includes, but is not limited to, information concerning bids or other contractual data, including vendor 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. This information is exempt from the Public Records Act pursuant to Section 366.093(3)(e), 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 responses.

4. FPL has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion and that OPC is reserving its right to contest confidentiality at a later date if warranted.

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 the OPC discovery requests listed above.

Respectfully submitted this 4th day of May, 2011.

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By: s/ Jessica A. Cano
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**CERTIFICATE OF SERVICE
DOCKET NO. 110009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Motion for Temporary Protective Order was served electronically this 4th day of May, 2011 to the following:

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