

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's  
Petition to Charge FPL Rates to Former City  
of Vero Beach Customers

Docket No: 20170235-EI

Date: April 9, 2018

**FLORIDA POWER & LIGHT COMPANY'S MOTION FOR  
TEMPORARY PROTECTIVE ORDER FOR CERTAIN CONFIDENTIAL  
INFORMATION PROVIDED IN RESPONSE TO THE OFFICE OF PUBLIC  
COUNSEL'S FIRST REQUEST TO PRODUCE DOCUMENTS (NOS. 1-22)<sup>1</sup>**

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") First Request to Produce Documents (Nos. 1-22)<sup>1</sup>.

1. OPC has requested that it be permitted to inspect or take possession of FPL's confidential, proprietary information in documents and materials produced by FPL with its Response to OPC's First Request to Produce Documents (Nos. 1-22), more specifically, in response to Requests 1, 5 and 16.

2. Rule 25-22.006(6)(c), Florida Administrative Code, provides in pertinent part as follows with respect to a utility allowing OPC to inspect or take possession of the utility's information:

- a. [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, the Public Counsel shall return

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<sup>1</sup> Although OPC's Notice of Service of its First Request to Produce Documents, and the Request to Produce itself, indicated that there are 22 requests, in fact there are only 21.

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: trade secrets; information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms; information related to competitive interests, the disclosure of which could harm the competitive business of the provider of the information; and employee personnel information unrelated to compensation, duties, qualifications, or responsibilities (exempt from the Public Records Act pursuant to section 366.093(3)(a), (c), (e) and (f), 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 identified in this motion for temporary protective order to be produced in response to OPC's First Request to Produce Documents (Nos. 1-22).

5. FPL has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion but reserves the right to contest the confidentiality of the subject documents.

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 documents to be produced in response to OPC's First Request to Produce Documents (Nos. 1-22), more specifically in response to requests 1, 5 and 16.

Respectfully submitted this 9th day of April 2018.

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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished  
by electronic service on this 9<sup>th</sup> day of April 2018 to the following:

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By: s/ *Kenneth M. Rubin*  
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