

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Evaluation of storm restoration costs for  
Florida Power & Light Company related to  
Hurricane Irma.

Docket No: 20180049-EI

Date: April 8, 2019

**FLORIDA POWER & LIGHT COMPANY'S MOTION FOR  
TEMPORARY PROTECTIVE ORDER FOR CERTAIN CONFIDENTIAL  
INFORMATION PROVIDED WITH FPL'S SUPPLEMENTAL RESPONSE TO THE  
OFFICE OF PUBLIC COUNSEL'S NINTH REQUEST  
FOR PRODUCTION OF DOCUMENTS (NO. 41)**

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 produced with FPL's Supplemental Response to the Office of Public Counsel's ("OPC") Ninth Request for Production of Documents (No. 41).

1. OPC has requested that it be permitted to inspect or take possession of FPL's confidential, proprietary information produced with FPL's supplemental response to OPC's Ninth Request for Production of Documents (No. 41). FPL filed its Motion for Temporary Protective Order with its initial response and objections to OPC's Ninth Request for Production of Documents on March 28, 2019. FPL is now supplementing its response and is producing additional documents responsive to OPC's Ninth Request for Production of Documents No. 41 which contain confidential, proprietary information.

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 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; and information related to competitive interests, the disclosure of which could harm the competitive business of the provider of the information; (exempt from the Public Records Act pursuant to section 366.093(3)(a),(c) and (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 the confidential information included and identified in this motion for temporary protective order to be produced in connection with its Supplemental Response to OPC's Ninth Request for Production of Documents (No. 41).

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 produced in connection with FPL's Supplemental Response to OPC's Ninth Request for Production of Documents (No. 41).

Respectfully submitted this 8<sup>th</sup> day of April, 2019.

Kenneth M. Rubin  
Senior Counsel  
[ken.rubin@fpl.com](mailto:ken.rubin@fpl.com)  
Kevin I. C. Donaldson  
Senior Attorney  
[Kevin.donaldson@fpl.com](mailto:Kevin.donaldson@fpl.com)  
Christopher T. Wright  
Senior Attorney  
[Christopher.Wright@fpl.com](mailto:Christopher.Wright@fpl.com)  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5170  
Facsimile: (561) 691-7135

By: s/ Kenneth M. Rubin  
Kenneth M. Rubin  
Florida Bar No. 349038

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished

by electronic service on this 8<sup>th</sup> day of April, 2019 to the following:

Suzanne S. Brownless, Esq.  
Special Counsel  
Ashley Weisenfeld, Esq.  
Office of General Counsel  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
[sbrownle@psc.state.fl.us](mailto:sbrownle@psc.state.fl.us)  
[awaisenf@psc.state.fl.us](mailto:awaisenf@psc.state.fl.us)  
**Florida Public Service Commission**

J. R. Kelly, Esq.  
Stephanie Morse, Esq.  
Charles J. Rehwinkel, Esq.  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399  
[kelly.jr@leg.state.fl.us](mailto:kelly.jr@leg.state.fl.us)  
[Morse.Stephanie@leg.state.fl.us](mailto:Morse.Stephanie@leg.state.fl.us)  
[rehwinkel.charles@leg.state.fl.us](mailto:rehwinkel.charles@leg.state.fl.us)  
**Office of Public Counsel**

Robert Scheffel Wright, Esq.  
John T. LaVia, III, Esq.  
Gardner, Bist, Bowden, Bush, Dee,  
LaVia, & Wright, P.A.  
1300 Thomaswood Drive.  
Tallahassee, Florida 32308  
[schef@gbwlegal.com](mailto:schef@gbwlegal.com)  
[jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)  
**Florida Retail Federation**

Jon C. Moyle, Jr./Karen A. Putnal  
c/o Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, Florida 32301  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)  
[kputnal@moyle.com](mailto:kputnal@moyle.com)  
**Florida Industrial Power Users Group**

By: s/ Kenneth M. Rubin  
Kenneth M. Rubin