

Ruth Nettles

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Sent: Friday, March 20, 2009 1:17 PM
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Cc: Lisa Bennett; Kelly.jr@leg.state.fl.us; MCGLOTHLIN.JOSEPH@leg.state.fl.us
Subject: Docket No. 080677-EI / FPL's Motion for Temporary Protective Order
Attachments: FPL's Motion for Temporary Protective Order.doc; FPL's Motion for Temporary Protective Order.pdf

a. Person responsible for this electronic filing:

Jessica A. Cano, Esq.
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b. Docket No. 080677-EI; In re: Petition for Increase in Rates by Florida Power & Light Company

c. Documents are being filed on behalf of Florida Power & Light Company.

d. There are a total of 3 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Motion for Temporary Protective Order.

Sincerely,

Jessica A. Cano
Attorney

Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
(561) 304-5226

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Increase in Rates by)
Florida Power & Light Company)

Docket No. 080677-EI
Filed: March 20, 2009

**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, certain confidential information included in MFR D-2 and MFR F-4, which were filed with FPL's Petition for Rate Increase, and in support states:

1. OPC has requested that it be permitted to inspect and potentially take possession of the MFR data which is confidential, proprietary business information.
2. Subsection (6)(c) of Rule 25-22.006, 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.

See Rule 25-22.006(6)(c), F.A.C.

3. The confidential information in MFR D-2 consists of competitively sensitive information related to the capital structure of affiliated and consolidated companies. This information, if disclosed, could harm the competitive interests of the provider of the information, and is exempt from the Public Records Act pursuant to section 366.093(3)(e), Florida Statutes.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

The confidential information in MFR F-4 consists of security measures, systems, or procedures. This information is exempt from the Public Records Act pursuant to section 366.093(3)(c), Florida Statutes. This information is also the subject of a pending Request for Confidential Classification, filed with the Commission on March 18, 2009.

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 in MFRs D-2 and F-4.

5. FPL has been authorized by counsel for OPC to represent that OPC does not object to the granting of 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 MFRs D-2 and F-4.

Respectfully submitted this 20th day of March, 2009.

R. Wade Litchfield
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By: /s/ Jessica A. Cano
Jessica A. Cano
Fla. Bar No. 0037372

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery this 20th day of March, 2009, to the following:

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