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Sent: Tuesday, May 12, 2009 3:25 PM
To: Filings@psc.state.fl.us
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Subject: Electronic Filing - Docket # 090009
Attachments: FPL's Motion for Temporary Protective Order, 5.12.09.doc; FPL's Motion for Temporary Protective Order, 5.12.09.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 090009

IN RE: Nuclear Power Plant Cost Recovery Clause

c. The document is 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): FPL's Motion for Temporary Protective Order, 5.12.09.doc and FPL's Motion for Temporary Protective Order, 5.12.09.pdf)

Regards,
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DOCUMENT NUMBER-DATE

04590 MAY 12 8

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 090009-EI
Filed: May 12, 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 FPL's responses to the Office of Public Counsel's ("OPC's") First Request for Production of Documents ("POD") Nos. 1, 4-6, 8-10, 12-14, 16, 18-20, 22-26, 28, and 32-34; and First Set of Interrogatories Nos. 5-6, 8, 12, 15, and 20 and in support states:

1. OPC has requested that it be permitted to take possession of FPL's confidential, proprietary information included in FPL's responses to the requests and interrogatories 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.

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3. The confidential information includes, but is not limited to, information concerning bids or other contractual data, 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. Also included is information related to trade secrets (exempt from the Public Records Act pursuant to section 366.093(3)(a), Florida Statutes) 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)(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 in these responses.

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 FPL's responses to OPC's First Request for Production of Documents Nos. 1, 4-6, 8-10, 12-14, 16, 18-20, 22-26, 28, and 32-34; and First Set of Interrogatories Nos. 5-6, 8, 12, 15, and 20.

Respectfully submitted this 12th day of May, 2009.

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**CERTIFICATE OF SERVICE
DOCKET NO. 090009-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic delivery this 12th day of May, 2009, to the following:

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