

Eric Fryson

From: Grenz, Barbara <Barbara.Grenz@fpl.com>
Sent: Friday, May 10, 2013 2:37 PM
To: Filings@psc.state.fl.us
Cc: 'kelly.jr@leg.state.fl.us'; 'rehwinkel.charles@leg.state.fl.us';
'mcglothlin.joseph@leg.state.fl.us'; 'sayler.erik@leg.state.fl.us';
'mwalls@carltonfields.com'; 'bgamba@carltonfields.com'; 'john.burnett@pgnmail.com';
'dianne.triplett@pgnmail.com'; 'mbernier@carltonfields.com';
'paul.lewisjr@pgnmail.com'; 'ataylor@bbrslaw.com'; 'jbrew@bbrslaw.com';
'jmoyle@moylelaw.com'; Michael Lawson; Cano, Jessica; Grenz, Barbara
Subject: Electronic Filing - Docket No. 130009-EI / FPL's Motion for Temporary Protective Order
Attachments: Docket 130009-EI - FPL's Motion for Temporary Protective Order.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Jessica A. Cano, Esq.
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
(561) 304-5226
Jessica.Cano@fpl.com

b. Docket No. 130009-EI

In Re: Nuclear Power Plant Cost Recovery Clause

c. The documents 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.

Barbara A. Grenz, CP

Certified Paralegal
Senior Legal Assistant to
Bryan S. Anderson / Assistant General Counsel - Regulatory
William P. Cox / Senior Attorney
Florida Power & Light Company
700 Universe Boulevard - LAW/JB
Juno Beach, FL 33408
Direct: (561) 304-5608
Email: Barbara.Grenz@fpl.com

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost)
Recovery Clause)

Docket No. 130009-EI
Date Filed: May 10, 2013

**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 a portion of FPL witness Terry Jones's testimony, Exhibit TOJ-13 to the testimony of FPL witness Terry Jones, and Exhibit SDS-7 to the testimony of FPL witness Steven D. Scroggs, and states:

1. FPL is providing OPC with a copy of its confidential testimony and exhibits. 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.

2. The confidential exhibits include 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. Additionally, this information and the information identified in the testimony of Terry Jones is competitively sensitive, and

DOCUMENT NUMBER-DATE

02599 MAY 10 2013

FPSC-COMMISSION CLERK

disclosure could impair the competitive business of FPL or its vendors. Such 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 exhibits.

3. 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 the testimony of Terry Jones, Exhibit TOJ-13, and Exhibit SDS-7.

Respectfully submitted this 10th day of May, 2013.

Jessica A. Cano
Principal Attorney
Florida Power Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

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

**CERTIFICATE OF SERVICE
DOCKET NO. 130009-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Temporary Protective Order was served by electronic delivery this 10th day of May, 2013 to the following:

Michael Lawson, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
MLAWSON@PSC.STATE.FL.US

J. R. Kelly, Esq.
Charles Rehwinkel, Esq.
Joseph McGlothlin, Esq.
Erik L. Saylor, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
Kelly.jr@leg.state.fl.us
Rehwinkel.Charles@leg.state.fl.us
mcglothlin.joseph@leg.state.fl.us
Saylor.Erik@leg.state.fl.us

J. Michael Walls, Esq.
Blaise N. Gamba, Esq.
Carlton Fields Law Firm
P.O. Box 3239
Tampa, Florida 33601-3239
mwalls@carltonfields.com
bgamba@carltonfields.com
Attorneys for Progress

John T. Burnett, Esq.
Dianne M. Triplett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042
john.burnett@pgnmail.com
dianne.triplett@pgnmail.com
Attorneys for Progress

Matthew Bernier, Esq.
Carlton Fields Law Firm
215 S. Monroe Street, Ste. 500
Tallahassee, Florida 32301
mbernier@carltonfields.com

Mr. Paul Lewis, Jr.
106 East College Ave., Suite 800
Tallahassee, Florida 32301-7740
paul.lewisjr@pgnmail.com

Jon C. Moyle, Jr., Esq.
Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
Attorneys for FIPUG

James W. Brew, Esq.
F. Alvin Taylor, Esq.
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@bbrslaw.com
ataylor@bbrslaw.com
Attorneys for PCS Phosphate

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