

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchase power cost recovery
clause with generating performance incentive
factor

Docket No: 20190001-EI

Date: December 19, 2019

**FLORIDA POWER & LIGHT COMPANY'S MOTION FOR TEMPORARY
PROTECTIVE ORDER FOR CERTAIN CONFIDENTIAL INFORMATION
PROVIDED IN RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (No. 17)**

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") Second Request for Production of Documents (No. 17).

1. OPC has requested that it be permitted to inspect or take possession of FPL's confidential, proprietary information in FPL's response to OPC's Second Request for Production of Documents (No. 17) in this docket.

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, 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 this response.

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 FPL's response to OPC's Second Request for Production of Documents (No. 17).

Respectfully submitted this 19th day of December 2019.

Maria Jose Moncada
Senior Attorney
maria.moncada@fpl.com
David M. Lee
Senior Attorney
david.lee@fpl.com
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5795
Facsimile: (561) 691-7135

By: s/ Maria Jose Moncada
Maria Jose Moncada
Florida Bar No. 0773301

CERTIFICATE OF SERVICE
Docket No. 20190001-EI

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

by electronic service on this 19th day of December 2019 to the following:

Suzanne Brownless
Johanna Nieves
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
sbrownle@psc.state.fl.us
jnieves@psc.state.fl.us

J. R. Kelly
Stephanie Morse
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
kelly.jr@leg.state.fl.us
morse.stephanie@leg.state.fl.us

Michael Barrett
Division of Accounting and Finance
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
mbarrett@psc.state.fl.us

James D. Beasley
J. Jeffrey Wahlen
Ausley & McMullen
P.O. Box 391
Tallahassee, Florida 32302
jbeasley@ausley.com
jwahlen@ausley.com
Attorneys for Tampa Electric Company

Dianne M. Triplett
299 First Avenue North
St. Petersburg, Florida 33701
dianne.triplett@duke-energy.com

Paula K. Brown, Manager
Tampa Electric Company
Regulatory Coordinator
Post Office Box 111
Tampa, Florida 33601-0111
regdept@tecoenergy.com

Matthew R. Bernier
Duke Energy Florida
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
matthew.bernier@duke-energy.com
Attorneys for Duke Energy Florida

Steven R. Griffin
Beggs & Lane
P.O. Box 12950
Pensacola, FL 32591-2950
srg@beggslane.com
Attorneys for Gulf Power Company

Beth Keating
Gunster Law Firm
215 South Monroe St., Suite 601
Tallahassee, Florida 32301-1804
bkeating@gunster.com
**Attorneys for Florida Public Utilities
Company**

Russell A. Badders
Vice President & Associate General Counsel
Gulf Power Company
One Energy Place
Pensacola, Florida 32520-0100
russell.badders@nexteraenergy.com

Mike Cassel
Director/Regulatory and
Governmental Affairs
Florida Public Utilities Company
911 South 8th Street
Fernandina Beach, Florida 32034
mcassel@fpuc.com

James W. Brew
Laura A. Wynn
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@smxblaw.com
laura.wynn@smxblaw.com
**Attorneys for PCS Phosphate - White
Springs**

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Wiener, et al
1300 Thomaswood Drive
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com
Attorneys for Florida Retail Federation

Jon C. Moyle
Moyle Law Firm, P.A.
118 N. Gadsden St.
Tallahassee, Florida 32301
jmoyle@moylelaw.com
**Attorneys for Florida Industrial Power
Users Group**

By: s/ Maria Jose Moncada
Maria Jose Moncada