

Timolyn Henry

From: Jack_Leon@fpl.com
Sent: Tuesday, August 09, 2005 8:53 AM
To: Filings@psc.state.fl.us
Cc: Wade_Litchfield@fpl.com; Natalie_Smith@fpl.com; Bill_Feaster@fpl.com;
Kirk_Gillen@fpl.com; Nanci_Nesmith@fpl.com; Patrick_Bryan@fpl.com; David_Lee@fpl.com;
Lynne_Adams@fpl.com
Subject: Electronic Filing for Docket Nos. 050045-EI & 050188-EI / FPL's Motion for Temporary
Protective Order regarding OPC's Thirteenth Set of Interrogatories Nos. 362, 363, 364 & 366,
and OPC's Fifteenth Set of Requests for Production of Documents No. 305

Attachments: FPL's Motion for Temporary Protective Order - OPC's 15th Request for Production of
Documents No. 305 and 13th Set of Interrogatories Nos. 362-364 & 366 - 8-9-05.doc



FPL's Motion
Temporary Prc

Electronic Filing

a. Person responsible for this electronic filing:

Joaquin E. Leon, Esq.
9250 W. Flagler St., Suite 6514
Miami, FL 33174
(305) 552-3922
jack_leon@fpl.com

b. Docket No. 050045-EI

In re: Petition for rate increase by
Florida Power & Light Company.

Docket No. 050188-EI

In re: 2005 comprehensive depreciation
study by Florida Power & Light Company.

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

d. There are a total of 5 pages in the attached document.

**e. The document attached for electronic filing is Florida Power & Light Company's Motion
for Temporary Protective Order regarding OPC's Thirteenth Set of Interrogatories Nos. 362,
363, 364 & 366, and OPC's Fifteenth Set of Requests for Production of Documents No. 305.**

(See attached file: FPL's Motion for Temporary Protective Order - OPC's 15th Request for
Production of Documents No. 305 and 13th Set of Interrogatories Nos. 362-364 & 366 -
8-9-05.doc)

Thank you for your attention and cooperation to this request.

Jack Leon
Senior Attorney
9250 W. Flagler St., Suite 6514
Miami, FL 33174
(305) 552-3922
Fax: (305) 552-3865
Cell: (305) 439-1661

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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by)
Florida Power & Light Company.)

Docket No. 050045-EI

In re: 2005 comprehensive depreciation)
study by Florida Power & Light Company.)

Docket No. 050188-EI

Filed: August 9, 2005

**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 "PSC" or the "Commission"), through the Prehearing Officer, for a temporary protective order to exempt from Section 119.07(1), Florida Statutes, certain confidential information in FPL's responses to the Office of Public Counsel's ("OPC's") Thirteenth Set of Interrogatories Nos. 362, 363, 364 and 366, and OPC's Fifteenth Set of Requests for Production of Documents No. 305, in connection 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 certain of FPL's confidential, proprietary business information in FPL's responses to OPC's Thirteenth Set of Interrogatories Nos. 362, 363, 364 and 366, and OPC's Fifteenth Set of Requests for Production of Documents No. 305 in Docket No. 050045-EI.

2. Subsection (6)(c) of the Commission's confidentiality 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

DOCUMENT NUMBER-DATE

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).

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 or its affiliates to contract for goods or services on favorable terms. In addition, the confidential information relates to competitive interests information, the disclosure of which would impair the competitive business of FPL. This information is exempt from the Public Records Act pursuant to Sections 366.093(3)(d) & (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 in FPL's responses to OPC's Thirteenth Set of Interrogatories Nos. 362, 363, 364 and 366, and OPC's Fifteenth Set of Requests for Production of Documents No. 305.

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 in FPL's responses to OPC's Thirteenth Set of Interrogatories Nos. 362, 363, 364 and 366, and OPC's Fifteenth Set of Requests for Production of Documents No. 305, in connection with FPL's Petition for Rate Increase.

Respectfully submitted this 9th day of August, 2005.

R. Wade Litchfield, Esquire
Natalie F. Smith, Esquire
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 691-7207
Facsimile: (561) 691-7135

By: *s/ Natalie F. Smith*

Natalie F. Smith, Esquire
Florida Bar No. 470200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Motion for Temporary Protective Order, has been furnished electronically and by United States Mail this 9th day of August, 2005 to the following:

Wm. Cochran Keating, IV, Esquire
Katherine E. Fleming, Esquire
Jeremy Susac, Esquire
Florida Public Service Commission
Division of Legal Services
Gerald L. Gunter Building
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Harold A. McLean, Esquire
Charles J. Beck, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

John W. McWhirter, Esquire
c/o McWhirter Reeves, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33602
Attorneys for the Florida Industrial Power Users
Group

Timothy J. Perry, Esquire
McWhirter Reeves, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Attorneys for the Florida Industrial
Power Users Group

Miami-Dade County Public Schools *
c/o Jaime Torrens
Dist. Inspections, Operations and
Emergency Mgt.
1450 N.E. 2nd Avenue
Miami, Florida 33132

D. Bruce May, Jr., Esquire *
Holland & Knight, LLP
Post Office Drawer 810
Tallahassee, Florida 32302-0810
Attorneys for Miami-Dade County
Public Schools

David Brown, Esquire
McKenna Long & Aldridge LLP
One Peachtree Center
303 Peachtree Street, N.E., Suite 5300
Atlanta, Georgia 30308
Attorneys for The Commercial Group

Michael B. Twomey, Esquire
P.O. Box 5256
Tallahassee, Florida 32314-5256
Attorney for AARP

Robert Scheffel Wright, Esquire
John T. LaVia, III, Esq.
Landers & Parsons, P.A.
310 West College Avenue
Tallahassee, Florida 32301
Attorneys for Florida Retail Federation

Major Craig Paulson, Esquire
AFCEA/ULT
139 Barnes Drive
Tyndall Air Force Base, Florida 32403
Attorney for Federal Executive
Agencies

Mark F. Sundback, Esquire
Kenneth L. Wiseman, Esquire
Gloria J. Halstead, Esquire
Jennifer L. Spina, Esquire
Andrews & Kurth LLP
1701 Pennsylvania Avenue, NW
Suite 300
Washington, D.C. 20006
Attorneys for South Florida Hospital and
Healthcare Association

Christopher M. Kise **
Solicitor General
Jack Shreve
Senior General Counsel
Office of the Attorney General
The Capitol-PL01
Tallahassee, Florida 32399-1050
Attorneys for Charles J. Crist, Jr., Attorney
General

Mr. Stephen J. Baron
Mr. Lane Kollen
J. Kennedy Associates, Inc.
570 Colonial Park Drive
Suite 305
Roswell, GA 30075
Consultants for South Florida Hospital
and Healthcare Association

By: *s/ Natalie F. Smith*

Natalie F. Smith, Esquire
Florida Bar No. 470200

* Indicates interested party

** Indicates not an official party of record as of the date of this filing