

Matilda Sanders

From: Jack Leon [Jack_Leon@fpl.com]
 Sent: Wednesday, April 11, 2007 10:13 AM
 To: Filings@psc.state.fl.us
 Cc: Wade_Litchfield@fpl.com; Natalie_Smith@fpl.com; Bryan_Anderson@fpl.com; Sabrina_Spradley@fpl.com
 Subject: Electronic Filing for Docket No. 070098-EI / FPL's Motion for Protective Order

Attachments: FPL's Motion for Temporary Protective Order_4-11-07.doc

ORIGINAL



FPL's Motion
Temporary Pr

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. 070098-EI

In re: Florida Power & Light Company's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant

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

d. There are a total of 4 pages in the attached document.

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

(See attached file: FPL's Motion for Temporary Protective Order_4-11-07.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: Florida Power & Light Company's) Docket No. 070098-EI
Petition to Determine Need for FPL Glades)
Power Park Units 1 and 2 Electrical Power Plant) Filed: April 11, 2007

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") Third Set of Requests for Production of Documents Nos. 18 and 19, and OPC's First Set of Interrogatories No. 1, in connection with FPL's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant, 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 Third Set of Requests for Production of Documents Nos. 18 and 19, and OPC's First Set of Interrogatories No. 1 in Docket No. 070098-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 a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission,

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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 related to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. This information is 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 in FPL's responses to OPC's Third Set of Requests for Production of Documents Nos. 18 and 19, and OPC's First Set of Interrogatories No. 1.

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 Third Set of Requests for Production of Documents Nos. 18 and 19, and OPC's First Set of Interrogatories No. 1 in connection with FPL's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant.

Respectfully submitted this 11th day of April, 2007.

R. Wade Litchfield
Associate General Counsel
Bryan S. Anderson
Natalie F. Smith
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 691-7207
Facsimile: (561) 691-7135

By: s/ Natalie F. Smith

Natalie F. Smith
Florida Bar No. 470200

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Motion for Protective Order has been furnished electronically and by United States Mail this 11th day of April, 2007, to the following:

Katherine E. Fleming, Esquire *
Jennifer Brubaker, Esquire
Lorena A. Holley, Esquire
Florida Public Service Commission
Division of Legal Services
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Michael A. Gross, Esquire *
Earthjustice
P.O. Box 1329
Tallahassee, FL 32302
Attorney for The Sierra Club, Inc., et al.

Office of Public Counsel *
Charles J. Beck, Esquire
Deputy Public Counsel
c/o The Florida Legislature
111 W. Madison St., Room 812
Tallahassee, FL 32399-1400

Department of Community Affairs **
Kelly Martinson, Esquire
Assistant General Counsel
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Black & Veatch **
Myron Rollins
11401 Lamar Avenue
Overland Park, KS 66211

Department of Environmental Protection**
Michael P. Halpin
Siting Coordination Office
2600 Blairstone Road MS 48
Tallahassee, FL 32301

Tamela Ivey Perdue, Esquire
Stiles, Taylor & Grace, P.A.
Post Office Box 1140
Tallahassee, FL 32301
Attorney for Associated Industries
of Florida

Bob Krasowski*
1086 Michigan Avenue
Naples, Florida 34103-3857

By: s/Natalie F. Smith

Natalie F. Smith
Florida Bar No. 470200

- * Electronic version
- ** Indicates interested party