

Ruth Nettles

From: John_Butler@fpl.com
Sent: Monday, June 09, 2008 1:13 PM
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Subject: Electronic Filing for Docket No. 080009-EI/ FPL's Motion for Temporary Protective Order 2nd & 3rd Production of Documents
Attachments: FPL's Motion for Temporary Protective Order 2nd & 3rd PODs.doc

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 080009-EI

In Re: Nuclear Power Plant Cost Recovery Clause

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

d. There are a total of **3** pages.

e. The document attached for electronic filing is Florida Power & Light Company's Motion for Temporary Protective Order for Second and Third Production of Documents.

(See attached file: FPL's Motion for Temporary Protective Order 2nd & 3rd PODs.doc)

DOCUMENT NUMBER-DATE

04882 JUN-9 8

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 080009-EI
Filed: June 9, 2008

**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") 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") Second and Third Requests for Production of Documents (Nos. 14 – 48) in this docket, and in support states:

1. FPL's responses to OPC's Second and Third Requests for Production of Documents contain information related to existing and proposed contracts, some prepared by FPL and the remainder provided to FPL by vendors, which FPL and the vendors consider confidential. FPL has obligations to maintain the confidentiality of the vendor-supplied information. Disclosure of the confidential contractual information would provide competitors insight into FPL's and/or the vendors' contractual agreements and business practices, which in turn would harm FPL's and the vendors' competitive interests and impair FPL's ability to contract for goods and services on favorable terms, to the detriment of FPL and its customers. *See* § 366.093(3) (d) and (e) Fla. Stat.

2. For the reasons just described, the confidential contractual information constitutes proprietary confidential business information and is protected by Sections 366.093(3)(d) and (e) of the Florida Statutes.

3. Rule 25-22.006(6)(c) provides in relevant part:

DOCUMENT NUMBER-DATE
04882 JUN-9 8
FPSC-COMMISSION CLERK

[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.

4. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed in order to allow OPC to take possession of the confidential contractual information.

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 Second and Third Requests for Production of Documents (Nos. 14-48).

Respectfully submitted this 9th day of June, 2008.

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By: *s/ John T. Butler* _____

John T. Butler
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery this 9th day of June 2008, to the following:

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