

**Kimberley Pena**

**From:** Butler, John [John.Butler@fpl.com]  
**Sent:** Wednesday, July 16, 2008 1:37 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Jennifer Brubaker; Keino Young; Lisa Bennett; 'kelly.jr@leg.state.fl.us'; 'BURGESS.STEVE@leg.state.fl.us'; 'MCGLOTHLIN.JOSEPH@leg.state.fl.us'; 'jmcwhirter@mac-law.com'; 'miketwomey@talstar.com'; 'john.burnett@pgnmail.com'; 'mwalls@carltonfields.com'; jbrew@bbrslaw.com; KSTorain@potashcorp.com  
**Subject:** Electronic Filing for Docket No. 080009-EI/ FPL's Motion for Temporary Protective Order Regarding Late-Filed Deposition Exhibits  
**Attachments:** Motion for TPO - Late-Filed Exhibits.doc

**Electronic Filing**

a. Person responsible for this electronic filing:

John T. Butler, Esq.  
700 Universe Boulevard  
Juno Beach, FL 33408  
561-304-5639  
John\_Butler@fpl.com

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 Regarding Late-Filed Exhibits to the Depositions of Stephen Hale/William Labbe and Steven Scroggs.

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FILE 1 \_\_\_\_\_  
RCP 1 \_\_\_\_\_  
SSC 1 \_\_\_\_\_  
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7/16/2008

DOCUMENT NUMBER-DATE  
06141 JUL 16 08  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**IN RE: Nuclear Power Plant )  
Cost Recovery Clause )**

**Docket No. 080009-EI  
Filed: July 16, 2008**

**FLORIDA POWER & LIGHT COMPANY'S MOTION FOR TEMPORARY  
PROTECTIVE ORDER REGARDING LATE FILED EXHIBITS TO THE  
DEPOSITIONS OF STEPHEN HALE/WILLIAM LABBE AND STEVEN SCROGGS**

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 Commission, through the Prehearing Officer, for a temporary protective order to exempt from Section 119.07(1) confidential information contained in Late-Filed Exhibits 3, 6 and 7 to the panel deposition of FPL witnesses Stephen Hale and William Labbe held on June 26, 2008 and Late-Filed Exhibit 13 to the deposition of FPL witness Steven Scroggs held on June 27, 2008 (the "Late-Filed Exhibits"), and in support states:

1. At the above depositions, the Office of Public Counsel ("OPC") asked that FPL provide the Late-Filed Exhibits, which FPL agreed to do.

2. FPL seeks confidential protection of the confidential information in the Late-Filed Exhibits because that information (a) relates to security, and if made public, would disclose certain details about FPL's security measures, system, or procedures to the detriment of FPL, its customers, and the general public; (b) constitutes contractual data, the disclosure of which would impair FPL's efforts to contract for goods or services on favorable terms; and/or (c) relates to competitive interests of FPL and/or FPL vendors, the disclosure of which would impair the competitive business of the provider of the information. Pursuant to Section 366.093(3)(c) – (e), Florida Statutes, such information constitutes proprietary confidential business information and is exempt from Section 119.07(1).

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

DOCUMENT NUMBER-DATE

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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 needed in order to allow OPC to take possession of the Late-Filed Exhibits.

5. FPL has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion.

WHEREFORE, FPL respectfully requests that the Commission enter a temporary protective order protecting the Late-Filed Exhibits against public disclosure.

Respectfully submitted,  
R. Wade Litchfield, Esq.  
Vice President and  
Associate General Counsel  
John T. Butler, Esq.  
Senior Attorney  
Law Department  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Telephone: 561-304-5639  
Fax: 561-691-7135

By: /s/ John T. Butler  
John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**  
**Docket No. 080009-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished electronically on this 16<sup>th</sup> day of July 2008, to the following:

Lisa Bennett, Esquire  
Keino Young, Esquire  
Jennifer Brubaker, Esquire  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

J. Michael Walls, Esquire  
Dianne M. Triplett, Esquire  
Carlton Fields Law Firm  
P.O. Box 3239  
Tampa, Florida 33601-3239

John W. McWhirter, Jr., Esquire  
McWhirter, Reeves Law Firm  
Attorneys for FIPUG  
400 North Tampa Street  
Suite 2450  
Tampa, FL 33602

James W. Brew, Esquire  
Brickfield, Burchette, Ritts & Stone, P.C.  
Attorney for White Springs  
1025 Thomas Jefferson Street, NW, Eighth  
Floor, West Tower  
Washington, DC 20007-5201

Joseph A. McGlothlin, Esquire  
Steve Burgess, Esquire  
J. R. Kelly, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399

John T. Burnett, Esquire  
Progress Energy Service Company, LLC  
P.O. Box 14042  
St. Petersburg, Florida 33733-4042

Michael B. Twomey, Esquire  
Attorney for AARP  
Post Office Box 5256  
Tallahassee, FL 32314-5256

Karin S. Torain, Esquire  
PCS Administration (USA), Inc.  
Attorney for White Springs  
Suite 400  
Skokie Boulevard  
Northbrook, IL 60062

By: /s/ John T. Butler  
John T. Butler