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Subject: Electronic Filing / Dkt 120015-EI / FPL's Motion for Temporary Protective Order
Attachments: 6.05.12 - MTPO (Staff 7th rogs 242, 280, 288 and 6th pods 45, 50, 51; OPC 9th pod 85).pdf
Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 120015 – EI
In re: Petition for rate increase by Florida Power & Light Company

c. The Document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 4 pages

e. The document attached for electronic filing is Florida Power & Light Company’s Motion for Temporary Protective Order for Certain Confidential Information Provided in Response to Staff’s Seventh Interrogatories and Sixth Request for Production and Office of Public Counsel’s Ninth Request For Production

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**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 120015-EI
June 5, 2012

**FLORIDA POWER & LIGHT COMPANY'S MOTION
FOR TEMPORARY PROTECTIVE ORDER FOR CERTAIN
CONFIDENTIAL INFORMATION PROVIDED IN RESPONSE TO STAFF'S
SEVENTH INTERROGATORIES AND SIXTH REQUEST FOR PRODUCTION
AND OFFICE OF PUBLIC COUNSEL'S NINTH REQUEST FOR PRODUCTION**

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 Responses to the Staff of the Commission's ("Staff") Seventh Set of Interrogatories (Nos. 242, 280 and 288) and Sixth Request for Production (Nos. 45, 50 and 51) and Office of Public Counsel's ("OPC") Ninth Request for Production (No. 85), and in support states:

1. OPC has requested that it be permitted to inspect or take possession of FPL's confidential, proprietary information included in FPL's Responses to Staff's Seventh Set of Interrogatories (Nos. 242, 280 and 288) and Sixth Request for Production (Nos. 45, 50 and 51) and OPC's Ninth Request for Production (No. 85).

2. Subsection (6)(c) of Rule 25-22.006, Florida Administrative Code, 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, then 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 FPL's Responses to the Staff's Seventh Set of Interrogatories (Nos. 242, 280 and 288) and Sixth Request for Production (Nos. 45, 50 and 51) and OPC's Ninth Request for Production (No. 85).

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 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 Responses to the Staff's Seventh Set of Interrogatories (Nos. 242

and 288) and Sixth Request for Production (Nos. 45, 50 and 51) and OPC's Ninth Request for Production (No. 85).

Respectfully submitted this 5th day of June 2012.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 5th day of June 2012, to the following:

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