

Eric Fryson

From: Leon, Jack [Jack.Leon@fpl.com]
Sent: Friday, June 08, 2012 12:01 PM
To: Filings@psc.state.fl.us
Cc: Litchfield, Wade; Butler, John; Lee, David; Moncada, Maria; White, Jordan
Subject: FPL's Motion for Temporary Protective Order regarding FIPUG's 6th Request for Production of Documents - Docket No. 120015-EI
Attachments: FPL's Motion for Temporary Protective Order to FIPUG's 6th POD_6-8-2012.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Joaquin E. Leon, Esquire
Florida Power & Light Company
4200 W. Flagler St., Suite 2113
Miami, FL 33134
(305) 442-5930
jack.leon@fpl.com

b. Docket No. 120015-EI

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

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 Temporary Protective Order regarding FIPUG's 6th Request for Production of Documents.

Thank you for your attention and cooperation to this request.

Jack Leon
Managing Attorney
Florida Power & Light Company
4200 W. Flagler Street, Suite 2113
Miami, Florida 33134
(305) 442-5930
Fax: (305) 552-4911
Cell: (305) 439-1661

The FPL Law Department is proud to be an ABA-EPA Law Office Climate Challenge Partner. Please think before you print!

The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may be the subject of attorney-client privilege. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby

03757 JUN -8 2012

6/8/2012

FPSC-COMMISSION CLERK

notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify us by telephone (305) 442-5930 or by replying to this electronic message. Thank you

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 120015-EI
June 8, 2012

**FLORIDA POWER & LIGHT COMPANY'S MOTION FOR
TEMPORARY PROTECTIVE ORDER FOR CERTAIN CONFIDENTIAL
INFORMATION PROVIDED IN RESPONSE TO FLORIDA INDUSTRIAL POWER
USER GROUP'S SIXTH REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 29)**

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 Response to the Florida Industrial Power Users Group's ("FIPUG") Sixth Request for Production of Documents (No. 29).

1. OPC has requested that it be permitted to inspect or take possession of FPL's confidential, proprietary information included in FPL's Response to FIPUG's Sixth Request for Production of Documents (No. 29) in this docket.

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 the 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, the 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 this response.

5. FPL has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion but preserves 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 of the confidential information contained in FPL's Response to FIPUG's Sixth Request for Production of Documents (No. 29).

Respectfully submitted this 8th day of June 2012.

R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
Assistant General Counsel-Regulatory
Jordan A. White, Esq.
Senior Attorney
Maria J. Moncada, Esq.
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5802/Fax: (561) 691-7135

By s/ Jordan A. White
Jordan A. White
Authorized House Counsel No. 93704

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished electronically this 8th day of June, 2012, to the following:

Caroline Klancke, Esquire
Keino Young, Esquire
Martha Brown, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-1400
cklancke@psc.state.fl.us
kyoung@psc.state.fl.us
mbrown@psc.state.fl.us

Robert Scheffel Wright, Esquire
John T. LaVia, III, Esquire
Gardner, Bist, Wiener, Wadsworth, Bowden,
Bush, Dee, LaVia & Wright, P.A.
1399 Thomaswood Drive
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com
Attorneys for the Florida Retail Federation

Jon C. Moyle, Jr., Esquire
Vicki Gordon Kaufman, Esquire
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
vkaufman@moylelaw.com
**Attorneys for Florida Industrial
Power Users Group**

J. R. Kelly, Public Counsel
Joseph A. McGlothlin, Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
kelly.jr@leg.state.fl.us
mcglathlin.joseph@leg.state.fl.us
Rehwinkel.charles@leg.state.fl.us
Christensen.Patty@leg.state.fl.us
Noriega.tarik@leg.state.fl.us
Merchant.Tricia@leg.state.fl.us

Kenneth L. Wiseman, Esquire
Mark F. Sundback, Esquire
Lisa M. Purdy, Esquire
William M. Rappolt, Esquire
J. Peter Ripley, Esquire
Andrews Kurth LLP
1350 I Street NW, Suite 1100
Washington, DC 20005
kwiseman@andrewskurth.com
msundback@andrewskurth.com
lpurdy@andrewskurth.com
wrappolt@andrewskurth.com
pripely@andrewskurth.com
**Attorneys for South Florida Hospital and
Healthcare Association**

John W. Hendricks
367 S Shore Dr.
Sarasota, FL 34234
jwhendricks@sti2.com

Mr. and Mrs. Daniel R. Larson
16933 W. Harlena Drive
Loxahatchee, FL 33470
danlarson@bellsouth.net

Thomas Saporito
177 US Hwy 1N, Unit 212
Tequesta, FL 33469
saporito3@gmail.com

By: s/ Jordan A. White
Jordan A. White