

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Fuel and purchase power cost recovery  
clause with generating performance incentive  
factor

Docket No: 140001-EI  
Date: August 21, 2014

**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 "Commission"), through the Prehearing Officer, for a temporary protective order to exempt from Section 119.07(1), Florida Statutes, confidential information included in its responses to the Office of Public Counsel's ("OPC's") Third Set of Interrogatories Nos. 27, 33, 36, 37, 45, and 46, and Fourth Request for Production of Documents Nos. 9, 10, 11, and 12 and states:

1. FPL is providing OPC with a copy of the confidential documents responsive to OPC's request. 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.

2. The confidential documents include information concerning bids or other contractual data, the disclosure of which would impair the efforts of the FPL or its affiliates to contract for goods or services on favorable terms. Such information is exempt from the Public Records Act pursuant to Section 366.093(3)(d), Florida Statutes. The confidential documents

also include information relating to competitive interests, the disclosure of which would impair the competitive business of FPL or its vendors. Such information is exempt from the Public Records Act pursuant to Section 366.093(3)(e), Florida Statutes. FPL respectfully requests that the Commission enter a temporary protective order affording FPL the protection that is needed to provide OPC the confidential documents.

3. FPL has been authorized by counsel for OPC to represent that OPC has no objection to the motion, but reserves its right to object to the claim for confidentiality at a later date.

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 its responses to OPC's Third Set of Interrogatories Nos. Nos. 27, 33, 36, 37, 45, and 46, and Fourth Request for Production of Documents Nos. 9, 10, 11, and 12.

Respectfully submitted this 21<sup>st</sup> day of June, 2014.

R. Wade Litchfield, Esq.  
Vice President and General Counsel  
John T. Butler, Esq.  
Assistant General Counsel-Regulatory  
Scott A. Goorland, Esq.  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5795  
Facsimile: (561) 691-7135

By: s/ Scott A. Goorland  
Scott A. Goorland  
Fla. Bar No. 0066834

**CERTIFICATE OF SERVICE**

**Docket No. 140001-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic service on this 21<sup>st</sup> day of August, 2014 to the following:

Martha F. Barrera, Esq.  
Julia E. Gilcher, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, Florida 32399-0850  
mbarrera@psc.state.fl.us  
jgilcher@psc.state.fl.us

Jon C. Moyle, Esq.  
Moyle Law Firm, P.A.  
118 N. Gadsden St.  
Tallahassee, FL 32301  
Counsel for FIPUG  
jmoyle@moylelaw.com

Beth Keating, Esq.  
Gunster Law Firm  
Attorneys for FPUC  
215 South Monroe St., Suite 601  
Tallahassee, Florida 32301- 1804  
bkeating@gunster.com

John T. Burnett, Esq.  
Dianne M. Triplett, Esq.  
Attorneys for DEF  
209 First Avenue North  
St. Petersburg, Florida 33701  
john.burnett@duke-energy.com  
dianne.triplett@duke-energy.com

James D. Beasley, Esq  
J. Jeffrey Wahlen, Esq.  
Ashley M. Daniels  
Ausley & McMullen  
Attorneys for Tampa Electric  
P.O. Box 391  
Tallahassee, Florida 32302  
jbeasley@ausley.com  
jwahlen@ausley.com  
adaniels@ausley.com

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Steven R. Griffin, Esq.  
Beggs & Lane  
Attorneys for Gulf Power  
P.O. Box 12950  
Pensacola, FL 32591-2950  
jas@beggslane.com  
rab@beggslane.com  
srg@beggslane.com

Robert Scheffel Wright, Esq.  
John T. LaVia, III, Esq.  
Gardner, Bist, Wiener, et al.  
Attorneys for Florida Retail Federation  
1300 Thomaswood Drive  
Tallahassee, Florida 32308  
schef@gbwlegal.com  
jlavia@gbwlegal.com

James W. Brew, Esq  
F. Alvin Taylor, Esq.  
Attorney for White Springs  
Brickfield, Burchette, Ritts & Stone, P.C  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, DC 20007-5201  
jbrew@bbrslaw.com  
ataylor@bbrslaw.com

J. R. Kelly, Esq.  
Patricia Christensen, Esq.  
Charles Rehwinkel, Esq.  
Joseph A. McGlothlin, Esq.  
Erik L. Sayler, Esq.  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399  
kelly.jr@leg.state.fl.us  
christensen.patty@leg.state.fl.us  
rehwinkel.charles@leg.state.fl.us  
mcglathlin.joseph@leg.state.fl.us  
sayler.erik@leg.state.fl.us

Michael Barrett  
Division of Economic Regulation  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, Florida 32399-0850  
mbarrett@psc.state.fl.us

By: s/ Scott A. Goorland  
Scott A. Goorland  
Fla. Bar No. 0066834