

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

Docket No: 160001-EI
Date: February 3, 2016

**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, the confidential information provided to the Office of Public Counsel pursuant to an informal request for information.

1. OPC has requested that it be permitted to inspect or take possession of the confidential documents pursuant to an informal request for information that OPC served upon FPL on January 19, 2016.

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, a confidential settlement agreement and documents concerning inspections and evaluations of plant operations that FPL is contractually obligated to maintain confidential and the disclosure of which could harm the competitive business of the counterparties. This confidential information is exempt

from the Public Records Act pursuant to section 366.093(3), including subpart (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.

5. Pursuant to Rule 25-22.006(6)(b), “[w]hile [this] request for a protective order is pending, the information asserted to be confidential shall also be exempt from Section 119.07(1), F.S.”

6. 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 the 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 responsive to the informal request for information that OPC served on FPL on January 19, 2016.

Respectfully submitted this 3rd day of February 2016.

Respectfully submitted,

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CERTIFICATE OF SERVICE
Docket No. 160001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification has been furnished by electronic mail this 3rd day of February 2016 to the following:

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