

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 160021-EI
Filed: April 18, 2016

**FLORIDA POWER & LIGHT COMPANY'S MOTION FOR TEMPORARY
PROTECTIVE ORDER FOR CERTAIN CONFIDENTIAL INFORMATION
PROVIDED IN RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S
FIRST SET OF INTERROGATORIES (NOS. 3, 20, 25, 46, 68) AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
(NOS. 1, 2, 7, 8, 10, 11, 15, 19- 21, 28, 34, 36, 38, 39)**

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 Office of Public Counsel's ("OPC") First Set of Interrogatories (Nos. 3, 20, 25, 46, 68) and First Request for Production of Documents (Nos. 1, 2, 7, 8, 10, 11, 15, 19- 21, 28, 34, 36, 38, 39).

1. OPC has requested that it be permitted to inspect or take possession of FPL's confidential, proprietary information in FPL's response to OPC's First Set of Interrogatories (Nos. 3, 20, 25, 46, 68) and First Request for Production of Documents (Nos. 1, 2, 7, 8, 10, 11, 15, 19- 21, 28, 34, 36, 38, 39) in this docket.

2. Rule 25-22.006(6)(c), Florida Administrative Code, provides in pertinent part as follows with respect to a utility allowing OPC to inspect or take possession of the utility's information:

- a. [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 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 contained in FPL's response to OPC's First Set of Interrogatories (Nos. 3, 20, 25, 46, 68) and First Request for Production of Documents (Nos. 1, 2, 7, 8, 10, 11, 15, 19- 21, 28, 34, 36, 38, 39).

Respectfully submitted this 18th day of April, 2016.

John T. Butler
Assistant General Counsel-Regulatory
john.butler@fpl.com
Kevin I.C. Donaldson
Senior Attorney
kevin.donaldson@fpl.com
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408
(561) 304-5170
(561) 691-7135 (fax)

By: s/ Kevin I.C. Donaldson
Kevin I.C. Donaldson
Florida Bar No. 0833401

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 18th day of April, 2016, to the following parties:

Martha Barrera
Suzanne Brownless
Commission Clerk
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-1400
mbarrera@psc.state.fl.us
sbrownle@psc.state.fl.us
Office of the General Counsel
Florida Public Service Commission

J. R. Kelly, Public Counsel
Patricia A. Christensen, Lead Counsel
Charles J. Rehwinkel
Erik Sayler
Tricia Merchant
Stephanie Morse
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
Kelly.jr@leg.state.fl.us
Christensen.Patty@leg.state.fl.us
Rehwinkel.charles@leg.state.fl.us
sayler.erik@leg.state.fl.us
merchant.tricia@leg.state.fl.us
morse.stephanie@leg.state.fl.us
Attorneys for the Citizens of the State of Florida

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, PA
118 North Gadsden Street
Tallahassee FL32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
Attorneys for Florida Industrial Power Users Group

Stephanie U. Roberts
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, North Carolina 27103
sroberts@spilmanlaw.com

Derrick P. Williamson
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com
Attorneys for Wal-Mart Stores East, LP and Sam's East, Inc. (Walmart)

Federal Executive Agencies
Thomas A. Jernigan
AFCEC/JA-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403
Thomas.Jernigan.3@us.af.mil
Attorney for the Federal Executive Agencies

Kenneth L. Wiseman
Mark F. Sundback
William M. Rappolt
Andrews Kurth LLP
1350 I Street NW, Suite 1100
Washington, D.C. 20005
kwiseman@andrewskurth.com
msundback@andrewskurth.com
wrappolt@andrewskurth.com
Attorneys for South Florida Hospital and Healthcare Association

By: s/ Kevin I.C. Donaldson
Kevin I.C. Donaldson