

Diamond Williams

100009-EI

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Sent: Tuesday, June 29, 2010 4:20 PM
To: Filings@psc.state.fl.us
Cc: Cano, Jessica
Subject: Electronic Filing - Docket # 100009-EI
Attachments: Motion for Temporary Protective Order 6.29.10.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 100009-EI

IN RE: Nuclear Power Plant Cost Recovery clause

c. The documents are being filed on behalf of Florida Power & Light Company.

d. There are a total of four (4) pages.

e. The document attached for electronic filing is:

Florida Power & Light Company's Motion For Temporary Protective Order

(See attached file(s): Motion for Temporary Protective Order 6.29.10.pdf)

Regards,
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DOCUMENT NUMBER-DATE
 5363 JUN 29 2010
 FPSC-COMMISSIONER'S OFFICE

6/29/2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 100009-EI
Filed: June 29, 2010

**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 FPL's response to the Office of Public Counsel's ("OPC's") Third Request for Production of Documents No. 60, and in support states:

1. OPC has reviewed FPL's responses to OPC's Third Request for Production of Documents, including the confidential responses thereto. OPC has requested a copy of the confidential material provided in response to No. 60.

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 is related to competitive interests, the disclosure of which could harm the competitive business of the provider of the information. Specifically, this information contains proprietary data that will be used by FPL in negotiations with vendors. Disclosure would therefore harm FPL and its customers. This information is exempt from the

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FPSC-COMMISSION CLERK

Public Record 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 information contained in its response.

4. FPL has been authorized by counsel for OPC to represent that OPC does not object to this motion.

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 OPC's Third Request for Production of Documents No. 60.

Respectfully submitted this 29th day of June, 2010.

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By: s/ Jessica A. Cano
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**CERTIFICATE OF SERVICE
DOCKET NO. 100009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Motion for Temporary Protective Order was served electronically this 29th day of June, 2010, to the following:

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