

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light
Company for Approval of FPL SolarTogether
Program and Tariff

Docket No. 20190061-EI

Filed: August 5, 2019

**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 ("OPC") in response to OPC's Second Request for Production of Documents, No. 3.

1. OPC has requested that it be permitted to inspect or take possession of the confidential documents produced by FPL in response to OPC's Second Request for Production of Documents, No. 3.

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, confidential bid information for components used in the construction of solar energy centers. FPL is contractually obligated to maintain the confidentiality of this information, and the disclosure of it 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 subparts (d) and (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 OPC’s Second Request for Production of Documents, No. 3.

Respectfully submitted this 5th day of August 2019.

Respectfully submitted,

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CERTIFICATE OF SERVICE
Docket No. 20190061-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service on this 5th day of August 2019 to the following:

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