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Maria J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5795
(561) 691-7135 (Facsimile)
Email: Maria.Moncada@fpl.com

November 19, 2013

VIA HAND DELIVERY

Ms. Carlotta s. Stauffer
Commission Clerk
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

REDACTED

Re: Docket No. 130009-EI

Dear Ms. Stauffer:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's First Request for Extension of Confidential Classification of Testimony Stricken Provided in 2010 Hearing for Docket No. 100009-EI. The original includes Exhibit B (two copies), Exhibit C and Exhibit D. The seven copies do not include copies of the Exhibits.

Exhibit B is the public version of the transcripts in which the information FPL asserts is confidential and has been stricken. Exhibit C is a justification table in support of FPL's First Request for Extension of Confidential Classification. Exhibit D contains one affidavit in support of FPL's First Request for Extension of Confidential Classification. Also included in this filing is a compact disc containing FPL's First Request for Extension of Confidential Classification and Exhibit C, in Microsoft Word format.

Please contact me if you or your Staff has any questions regarding this filing.

Sincerely,

Maria J. Moncada

+ 1 Ex. B

COM	_____
AFD	1
APA	1
ECO	1
ENG	1
GCL	1
IDM	2+1CD
TEL	_____
CLK	_____

Enclosures

cc: Counsel for Parties of Record (w/ copy of FPL's First Request for Extension of Confidential Classification)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

Docket No. 130009-EI

Filed: November 19, 2013

**FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST FOR
EXTENSION OF CONFIDENTIAL CLASSIFICATION OF TESTIMONY
STRICKEN PROVIDED IN 2010 HEARING FOR DOCKET 100009-EI**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain testimony provided in the 2010 Nuclear Cost Recovery Clause hearing.

In support of its request, FPL states:

1. On August 26, 2010, August 27, 2010 and September 7, 2010, during FPL's Nuclear Cost Recovery Clause hearing in Docket 100009-EI, the Commission orally ruled that certain testimony was confidential. Accordingly, the Commission ordered from the bench that the confidential portions of the testimony be stricken from the public version of the transcripts. The confidential versions of the transcripts are in the possession of the Florida Public Service Commission.

2. Certain portions of the testimony that was the subject of FPL's 2010 Nuclear Cost Recovery Clause hearing warrant continued treatment as proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. Accordingly, pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, FPL files this Request for Confidential Classification.

3. The following exhibits are included with and made a part of this request:

- o Exhibit B consists of a copy of the public version of the transcripts in which all the information that is entitled to confidential treatment

under Florida law has been stricken. Exhibit C is a table that identifies the specific line, field or page references to the testimony for which FPL seeks renewed confidential treatment. The table also references the specific statutory bases for confidentiality and the affiant who supports the requested classification.

- Exhibit D consists of the affidavit of Michael Bryce.

4. FPL is not in possession of the confidential version of the transcripts from the record at the 2010 Nuclear Cost Recovery Clause hearing. Therefore, no Exhibit A is attached to this filing.

5. FPL submits that the testimony that was stricken from the public record during the 2010 Nuclear Cost Recovery Clause hearing continues to be proprietary confidential business information within the meaning of Section 366.093(3). This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

6. As the affidavit included in Exhibit D indicates, the information in the transcripts of the 2010 Nuclear Cost Recovery Clause hearings contain confidential employee personnel information unrelated to compensation, duties, qualifications and responsibilities that is competitively sensitive to FPL. Disclosure of this private information could have an adverse impact on FPL's ability to attract and retain employees, particularly in the Nuclear division,

affecting the performance of the Company to the detriment of FPL's customers. This information is protected by Sections 366.093(3)(e) and (f), Fla. Stat.

7. Upon a finding by the Commission that the information continues to be proprietary confidential business information, the information should not be declassified for a period of at least another eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat. (2013).

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

Maria J. Moncada, Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5795
Facsimile: (561) 691-7135
Email: maria.moncada@fpl.com

By: 

Maria J. Moncada
Fla. Bar No. 0773301

**CERTIFICATE OF SERVICE
DOCKET NO. 130009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's First Request for Extension of Confidential Classification* was served by hand delivery** or U.S. Mail this ___ day of November, 2013 to the following:

Michael Lawson, Esq.**
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
mlawson@psc.state.fl.us

J. R. Kelly, Esq.
Charles Rehwinkel, Esq.
Joseph 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
Rehwinkel.Charles@leg.state.fl.us
mcglothlin.joseph@leg.state.fl.us
Sayler.Erik@leg.state.fl.us

J. Michael Walls, Esq.
Blaise N. Gamba, Esq.
Carlton Fields Law Firm
P.O. Box 3239
Tampa, Florida 33601-3239
mwalls@carltonfields.com
bgamba@carltonfields.com
Attorneys for Duke Energy Florida, Inc.

John T. Burnett, Esq.
Dianne M. Triplett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042
john.burnett@pgnmail.com
dianne.triplett@pgnmail.com
Attorneys for Duke Energy Florida, Inc.

Matthew Bernier, Esq.
Carlton Fields Law Firm
215 S. Monroe Street, Ste. 500
Tallahassee, Florida 32301
mbernier@carltonfields.com

Mr. Paul Lewis, Jr.
106 East College Ave., Suite 800
Tallahassee, Florida 32301-7740
paul.lewisjr@pgnmail.com

Jon C. Moyle, Jr., Esq.
Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
Attorneys for FIPUG

James W. Brew, Esq.
F. Alvin Taylor, Esq.
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
Attorneys for PCS Phosphate

By:



Maria J. Moncada
Fla. Bar No. 0773301

*Exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

EXHIBIT B

1 COMMISSIONER SKOP: Okay. I guess what I was
2 trying to get at in terms of, you know, evaluating the
3 adequacy of the project controls that exist and the
4 information flow, you know, certainly the employee
5 letter was beneficial because it prompted the
6 investigation and the outcome thereof. But you're
7 saying that, if I heard your testimony correctly, that
8 you would have seen the, some information in terms of
9 the projections in the 2010 cycle. But would that have
10 necessarily allowed this open, candid discussion to have
11 taken place in and of itself?

12 THE WITNESS: I think the employee letter was
13 helpful in focusing on this issue.

14 COMMISSIONER SKOP: Okay. All right.

15 THE WITNESS: I'll stop there.

16 ***REPORTER'S NOTE: CONFIDENTIAL PORTION OF
17 TRANSCRIPT REDACTED.***

18 COMMISSIONER SKOP: Okay. Thank you.

19 MR. ROSS: Madam Chairman, in Mr. Skop's
20 question, he linked the name of the employee with a
21 personnel matter. That's confidential, has been ruled
22 to be confidential in this proceeding. It did not, his
23 question did not deal with the testimony, which is
24 public, and we understand that. So I would move that
25 the link of the name with the personnel matters be

1 validity of these allegations?

2 THE WITNESS: Yes, I do. Going to the second
3 paragraph on Page 2, as I stated earlier, the project
4 forecast that we had and the direction that we had
5 coming out of July 2009 remained within our monthly
6 reports. Those numbers are generated by the project
7 controls organization and continued that forecast along
8 with the progress we were making on the actions in
9 regards -- and I won't go back through those, but in
10 regards to ongoing activities continue to be reported to
11 the senior execs.

12 Those same presentations with those forecast
13 numbers were provided to PSC audit -- audit staff as in
14 the normal course of discovery. In fact, when I learned
15 that -- (REPORTER NOTE: Redacted confidential words
16 removed) -- was leaving the company, I had a meeting
17 with -- I'm sorry.

18 COMMISSIONER SKOP: We made a boo-boo. So how
19 do we -- can we move to strike that or what do we want
20 to do?

21 MR. ANDERSON: We move to strike that, please.
22 It is clearly an inadvertent error.

23 CHAIRMAN ARGENZIANO: So moved.

24 THE WITNESS: Sorry. When I learned that this
25 employee was -- he was the -- that's a title. When I

1 learned this employee was leaving the company, I had a
2 meeting with this employee, and I showed him the
3 executive steering committee presentations that had the
4 forecast numbers in it, as well as the actions that were
5 being taken by the project team. And then I also showed
6 him the documents that we were providing in discovery
7 that had those same forecast numbers in it. And he
8 commented to me that, one, he was pleased that I took
9 the time to meet with him, that he was not aware of that
10 information, and that he was glad that that information
11 was being shared with the senior executives and being
12 provided to the PSC staff.

13 COMMISSIONER SKOP: All right. And
14 notwithstanding your difference of opinion with the
15 Concentric report, as identified in your management
16 discussion, Concentric took a different position and
17 indicated that they found the employee -- the
18 allegations in the employer letter and the employee to
19 be credible and that most of the allegations were indeed
20 fact accurate, is that correct, based on the Concentric
21 view of their own independent analysis?

22 THE WITNESS: Mr. Skop, it isn't that I
23 disagree with the Concentric report, this employee is a
24 good employee. He's credible. He knows what he is
25 doing. He is a good -- (REPORTER NOTE: Redacted

1 Okay. At this point we're going to go back on
2 the record. And, Chairman Argenziano, you're
3 recognized.

4 CHAIRMAN ARGENZIANO: Thank you. I believe
5 now we have the motion and it's -- we haven't voted on
6 the motion.

7 COMMISSIONER SKOP: We have not. We have a
8 motion that's been properly seconded and we are in
9 discussion as to the motion.

10 CHAIRMAN ARGENZIANO: Okay. Well, I'd like a
11 moment for, to discuss and to add into the record my
12 concern, and then we can move forward.

13 Rule 25-6.0423(5)(c)2 requires the Commission
14 prior to a decision allowing cost recovery or, in my
15 view, in this, in the instant case prior to acquiescence
16 to, excuse me, and acceptance of stipulation regarding
17 cost recovery and upon hearing, to, quote, determine the
18 reasonableness of projected preconstruction
19 expenditures, end quote.

20 In considering this, the Commission has
21 available to it, one, the February 19, 2010, letter of
22 -- (REPORTER NOTE: Redacted confidential words
23 removed) -- a credible source, alleging that relevant
24 and material information provided to the Commission was
25 in error or incomplete.

EXHIBIT C

**Florida Power and Light Company
2010 Nuclear Cost Recovery Clause Hearing Transcripts
Docket No. 130009-EI**

Description	No. of Pages	Conf. Y/N	Line No./ Col. No.	Florida Statute 366.093 (3) Subsection	Affiant
Document No. 07486-10, Hearing Transcript	1	Y	Page 1,597, Line 16	(e), (f)	Michael Bryce
Document No. 07507-10, Hearing Transcript	2	Y	Pages 1,441 and 1,442	(e), (f)	Michael Bryce
Document No. 07525-10, Hearing Transcript	2	Y N	Page 1800 Page 1802	(e), (f)	Michael Bryce

The cite to the confidential information is taken from the Document Detail for Docket No. 100009-EI on the Florida Public Service Commission Website and can also be found in the Inventory of Confidential Documents by Responsible Division/Office as of October 3, 2013 Public Service Commission Memorandum.

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost Recovery Clause

Docket No: 100009-EI

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

AFFIDAVIT OF MICHAEL BRYCE

BEFORE ME, the undersigned authority, personally appeared Michael Bryce who, being first duly sworn, deposes and says:

1. My name is Michael Bryce. I am currently employed by Florida Power & Light Company ("FPL") as Vice President, Human Resources, Nuclear Division. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification concerning information contained in the transcripts of the 2010 Nuclear Cost Recovery Clause hearings, for which I am listed as the affiant. The documents and materials that I have reviewed reflect that the confidential version of the subject transcript contain confidential employee personnel information unrelated to compensation, duties, qualifications and responsibilities that is competitively sensitive to FPL. Disclosure of this private information could have an adverse impact on FPL's ability to attract and retain employees, particularly within the Nuclear division, affecting the performance of the Company to the detriment of FPL's customers.

3. No significant changes have occurred since the 2010 Nuclear Cost Recovery Clause hearings to render the information identified in Exhibit C stale or public such that continued confidential treatment would not be appropriate. Accordingly, this information should continue to be maintained as confidential for an additional period of not less than eighteen months. These materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.

[Handwritten signature of Michael Bryce]
Michael Bryce

SWORN TO AND SUBSCRIBED before me this 18th day of November 2013, by Michael Bryce, who is personally known to me or who has produced [redacted] (type of identification) as identification and who did take an oath.

[Handwritten signature of Lois M. Crews]
Notary Public, State of Florida

My Commission Expires:

