

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation Cost Recovery  
Clause

Docket No: 20190002-EG  
Date: April 2, 2019

**FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 17-024-4-1**

Pursuant to Section 366.093, Florida Statutes ("Section 366.093") and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its First Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 17-024-4-1 ("Confidential Information"). In support of this request, FPL states as follows:

1. On June 26, 2017 FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D ("June 26, 2017 Request"). By Order No. PSC-2017-0380-CFO-EG, dated October 3, 2017 ("Order 0380"), the Commission granted FPL's June 26, 2017 Request. FPL adopts and incorporates by reference the June 26, 2017 Request and Order 0380.

2. The period of confidential treatment granted by Order 0380 will soon expire. The Confidential Information that was the subject of FPL's June 26, 2017 Request and Order 0380 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

3. All of the information designated in Exhibits A, B and C to the June 26, 2017 Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached here.

4. The declaration of Anita Sharma in support of this request is included as First Revised Exhibit D.

5. The Confidential Information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, such materials are entitled to confidential treatment and are 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 explained more fully in the declaration included as First Revised Exhibit D, certain documents contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

7. Also, certain documents contain information relating to competitive interests, the disclosure of which would impair the competitive business of FPL and its vendors. This information is protected by Section 366.093(3)(e), Fla. Stat.

8. Nothing has changed since the Commission entered Order 0380 to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

9. Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted remains protected from disclosure up to 18 months unless good cause is shown to grant protection from disclosure for a longer period. Currently, the Commission retains audit reports for period of seven years at which time the audit materials are returned to FPL unless Commission staff or another affected person requests that these audit materials continue to be retained. The nature of these materials will not change in the next three years.

Therefore, to promote administrative efficiency, FPL requests confidential classification for a period of thirty-six (36) months. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional thirty-six (36) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials included with or incorporated in this Request, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**  
**Docket No. 20190002-EG**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic mail this 2nd day of April 2019 to the following:

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*s/ Maria Jose Moncada*

Maria Jose Moncada

# **EXHIBIT D**

## **DECLARATION**

**FIRST REVISED EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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**DECLARATION OF ANITA SHARMA**

1. My name is Anita Sharma. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Demand Side Management Cost and Performance. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed Exhibit C and the documents that are included in Exhibit A to FPL's First Request for Confidential Classification of Information Obtained in Connection with Audit No. 17-024-4-1. The documents or materials contain or constitute competitively sensitive information, the disclosure of which could impair the competitive business of the provider of the information. Specifically, some the information reflects negotiated terms with third party vendors for services related to advertisement expenses for FPL's demand side management programs. The disclosure of this information would impair the competitive business of FPL and its vendor and would also impair the effort of FPL to contract for good and services on favorable terms. The materials also include data regarding incentive pay out to qualified customers as well as customer specific account information. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-2017-0380-CFO-EG to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of not less than 36 months. In addition, they 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. Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true to the best of my knowledge and belief.

  
ANITA SHARMA

Date: 3/26/2019