### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light Company for Rate Unification and for Base Rate Increase

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**IDM** CLK DOCKET NO. 20210015-EI

FILED: July 23, 2021

# FLORIDIANS AGAINST INCREASED RATES, INC.'S CORRECTED FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION

Floridians Against Increased Rates, Inc. ("FAIR"), by and through undersigned counsel and, pursuant to Section 366.093, Florida Statutes, ("F.S.") and Rule 25-22.006, Florida Administrative Code ("F.A.C.") hereby files this Corrected First Request for Confidential Classification ("Corrected Request") requesting confidential classification of certain information (the "Confidential Information") provided in its response to Florida Power & Light Company's ("FPL") First Request for Production of Documents to FAIR (Nos. 1-4). The subject Confidential Information has been placed on the enclosed "flash drive" labeled "\*\*Confidential\*\*." The flash drive should be treated as confidential in its entirety.

- On June 18, 2021 FAIR filed its First Request for Confidential Classification (PSC 1. Doc. No. 06233-2021). In Doc. No. 06233-2021, FAIR inadvertently did not include a redacted version of the Confidential Information. The purpose of this Corrected Request is to withdraw FAIR's original request (PSC Doc. No. 06233-2021) and replace it with this Corrected Request.
- Eth B 2. On June 18, 2021, FAIR served responses to FPL's First Request for Production of Documents No. 4. Included in its response, FAIR provided an Excel spreadsheet of its current membership roster listing personal information concerning its members. Portions of the membership roster include the Confidential Information for which FAIR seeks confidential classification pursuant to and consistent with Rule 25-22.006, F.A.C.
  - The following exhibits are included and made a part of this Corrected Request: 3.

- a. Exhibit A to this request is an electronic storage device containing a version of the Confidential Information in which all of the information for which FAIR is seeking confidential treatment has been highlighted. For convenience, also included is one paper copy, marked CONFIDENTIAL, on which the Confidential Information has been highlighted. (The paper copy and the electronic storage device are enclosed in a red envelope marked CONFIDENTIAL to indicate their confidential status.)
- b. Exhibit B is a copy of the Confidential Information in which the information for which FAIR seeks confidential treatment has been redacted.
- c. Exhibit C is a table that identifies the specific information for which FAIR is requesting confidential classification and the statutory bases for the claim of confidentiality.
- d. Exhibit D includes the affidavit of Michael Hightower in support of the requested classification.
- 4. Section 366.093(1), F.S., provides that "Upon request of the public utility or other person, any records received by the Commission which are shown to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07 (1)." Section 366.093(3), F.S., defines proprietary confidential business information to mean information, including trade secrets, that is (i) intended to be and is treated as private confidential information by FAIR (ii) because disclosure of the information would cause harm, (iii) to FAIR's business operation, and (iv) the information has not been voluntarily disclosed to the public.
- 5. FAIR is requesting confidential classification of portions of its membership roster because such information constitutes FAIR's trade secrets and protected propriety confidential

business information pursuant to Section 366.093(3)(a) and (e), Florida Statutes. As described in more detail in the affidavit attached as Exhibit D, the Confidential Information contains specific personal information concerning FAIR's members all of whom are customers of Florida utilities. FAIR has a policy not to disclose its members' personal information. Moreover, FAIR has represented to its members that their personal information will not be disclosed. Similar personal information of utility customers previously has been granted confidential classification by the Commission. See, e.g., Order Granting Florida Power & Light Company's Request for Confidential Classification of Document No. 02916-07 (Order No. PSC-07-0553-EI). In support of its request for confidential classification of the customer-specific information at issue in that docket, FPL stated that "FPL has a 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..." FAIR has a similar policy. In addition, disclosure of FAIR's members' personal information could provide unauthorized access to such information to third parties, thus potentially harming FAIR and its members. The specific bases for FAIR's request for confidential classification are set forth in more detail in Exhibit C hereto. FAIR has consistently treated and continues to treat the Confidential Information as confidential and FAIR has not voluntarily disclosed the Confidential Information to the public.

6. Upon a finding by the Commission that the material in Exhibit A for which FAIR seeks confidential treatment is proprietary confidential business information within the meaning of Section 366.093(3), F.S., and such information should not be declassified for a period of at least eighteen (18) months. Additionally, the material provided should be returned to FAIR as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to Section 366.093(4), F.S.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, FAIR respectfully requests that its First Request for Confidential Classification (PSC Doc. No. 06233-2021) be withdrawn and that this Corrected First Request for Confidential Classification be granted such that the Confidential Information that is the subject of this Request will be accorded confidential classification for a minimum of 18 months.

Respectfully submitted this 23rd day of July, 2021.

# /s/ Robert Scheffel Wright

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### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 23rd day of July, 2021, to the following:

### Florida Power & Light Company

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/s/ Robert Scheffel Wright
ATTORNEY

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# **EXHIBIT C**

**COMPANY:** 

Floridians Against Increased Rates, Inc.

Title:

Petition by Florida Power & Light Company for Rate Unification and Base Rate Increase

**DOCKET NO.:** 

20210015-EI

DATE:

July 19, 2021

Int/POD No.	Description	No. of Pages	Conf. Y/N	Bates Nos.	Line / Column	Florida Statute 366.093(3) Subsection	Declarants
FPL's 1 <sup>st</sup> POD, No. 4	FAIR's Membership Roster	10	Y	002169-002178	Column A, B, C, G, H, J, L, M, and N	a, e	Michael Hightower

### EXHIBIT D

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light Company for Rate Unification and for Base Rate Increase

DOCKET NO. 20210015-EI

### **DECLARATION OF MICHAEL HIGHTOWER**

- My name is Michael Hightower. I am currently the President of Floridians Against Increased Rates, Inc. ("FAIR"). I have personal knowledge of the matters stated in this written declaration.
- I have reviewed the documents referenced and incorporated in FAIR's Corrected First Request for Confidential Classification, specifically the materials provided in FAIR's response to FPL's First Request for Production of Documents No. 4. The documents or materials that I have reviewed and which are proprietary confidential business information contain FAIR's trade secrets and competitive business information, the disclosure of which would impair the competitive business interests of FAIR and its members. Specifically, the information contains personal information (including names, addresses, phone numbers, and email addresses) concerning FAIR's members (all of whom are customers of Florida utilities) that FAIR treats as confidential and that FAIR represented to its members it would treat as confidential. To the best of my knowledge, FAIR has maintained the confidentiality of these documents and materials.
- Consistent with the provisions of the Florida Administrative Code, such materials 3. should remain confidential for a period of not less than 18 months. In addition, they should be returned to FAIR as soon as the information is no longer necessary for the Commission to conduct its business so that FAIR can continue to maintain the confidentiality of these documents.
- Under penalties of perjury, I declare that I have read the foregoing declaration and 4. that the facts stated in it are true to the best of my knowledge and belief.

Date: 7-22-2021