



RECEIVED-FPSC

2021 NOV 15 PM 12: 07

COMMISSION
CLERK

Maria Jose Moncada
Senior 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 15, 2021

VIA HAND DELIVERY

Mr. Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 20210138-EI

REDACTED

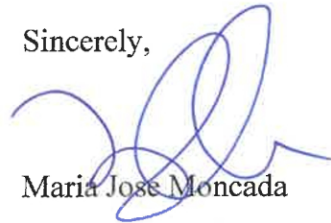
Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information Provided in its Response to the Staff of the Florida Public Service Commission's First Data Request, No. 2. The Request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the document containing confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing in an envelope marked "EXHIBIT A" – CONFIDENTIAL. Exhibit B consist of identifying cover pages for the documents, which are confidential in their entirety. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains the declaration in support of FPL's Request. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Request for Confidential Classification.

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

Sincerely,



Maria Jose Moncada

- COM _____
- AFD _____
- APA _____
- ECO _____
- ENG _____
- GCL 1 Exh "B"
- IDM _____
- CLK _____

Enclosure

cc: Adria Harper, FPSC Staff, Office of General Counsel

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed adoption of Rule 25-18.020,
F.A.C., Pole Inspection and Maintenance.

Docket No. 20210138-EI

Filed: November 15, 2021

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST (SECOND) FOR CONFIDENTIAL CLASSIFICATION OF
CERTAIN INFORMATION PROVIDED IN ITS RESPONSE TO THE STAFF OF
THE FLORIDA PUBLIC SERVICE COMMISSION'S FIRST DATA REQUEST, No. 2**

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 information provided in its response to the Staff of the Florida Public Service Commission's ("Staff") First Data Request, No. 2 (the "Confidential Information"). In support of its Request, FPL states as follows:

1. FPL served its responses to Staff's First Data Request on November 10, 2021. This request is being filed contemporaneously with service of those responses to request confidential classification of certain information contained in its response to Staff's First Data Request, No. 2, consistent with Rule 25-22.006, Florida Administrative Code.
2. The following exhibits are included with and made a part of this request:
 - a. Exhibit A consists of a copy of the confidential material on which all the information that FPL asserts is entitled to confidential treatment has been highlighted.
 - b. Exhibit B consist of identifying cover pages for the document which is confidential in its entirety.
 - c. Exhibit C is a table that identifies the information for which confidential treatment is being sought and references the specific statutory basis for the claim of confidentiality. Exhibit C also identifies the declarant who supports the requested classification.

d. Exhibit D is the declaration of Thomas Allain in support of the requested classification.

3. 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, Florida Statutes, 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.

4. As described in the declaration included as Exhibit D, the Confidential Information consists of information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms, as well as information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the material contains an amendment to a joint use agreement between FPL and a third party which is subject to a contractual obligation to maintain the confidentiality of its terms. This information is protected by Sections 366.093(3)(d) and (e), Florida Statutes.

5. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information, the information should not be declassified for a period of at least 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 Section 399.093(4), Florida Statutes.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and declaration, FPL respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

FLORIDA POWER & LIGHT COMPANY

By: _____


Maria Jose Moncada
Senior Attorney
Florida Bar No. 0773301
maria.moncada@fpl.com
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 691-7101
(561) 691-7135 (fax)

CERTIFICATE OF SERVICE
20210138-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing* has been furnished by electronic mail this 15th day of November 2021 to the following:

Adria Harper
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
aharper@psc.state.fl.us

By: _____


Maria Jose Moncada
Florida Bar No. 0773301

* The 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

REDACTED

The document responsive to Staff's First Data Request, No. 2, Bates Nos. 000038-000067, is confidential in its entirety.

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: In re: Proposed Adoption of Rule 25-18.020, F.A.C., Pole Inspection and Maintenance.
DOCKET NO.: 20210138-EI
DATE: November 15, 2021

FPL's Confidential Responses To Staff's First Data Request					
Data Request No.	Bates Nos.	Description	Page No.	Florida Statute 366.093 (3) Subsection	Declarant
No. 2	000038-000067	Storm Amendment to Joint Use Agreement (No. 2)	All	(d), (e)	Thomas Allain

EXHIBIT D

DECLARATIONS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed adoption of Rule 25-18.020,
F.A.C., Pole Inspection and Maintenance.

Docket No: 20210138-EI

DECLARATION OF THOMAS ALLAIN

1. My name is Thomas Allain. I am currently employed by Florida Power & Light Company ("FPL") as Director of Compliance and Regulatory – Power Delivery. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Request for Confidential Classification, specifically the materials provided in FPL's response to Staff's First Data Request, No. 2. The documents or materials that I have reviewed are proprietary confidential business information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. Specifically, the information contains a joint use agreement between FPL and a third party, which contains negotiated terms the parties have maintained as confidential. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 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.



Thomas Allain

Date: Nov. 11, 2021