



**Kenneth Rubin**  
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February 15, 2022

**VIA HAND DELIVERY**

Mr. Adam Teitzman  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**Re: Docket No. 20220000-OT  
Florida Power & Light Company and Gulf Power Company Earnings  
Surveillance Reports for December 2021 – Request for Confidential  
Classification**

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") and Gulf Power Company's ("Gulf") Request for Confidential Classification of information contained in their Earnings Surveillance Reports for December 2021 ("December 2021 ESR"). This request includes Exhibits A, B (two copies), C, and D.

Exhibit A consists of the December 2021 ESR on which all the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A on which the information FPL asserts is confidential has been redacted. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains a written declaration in support of FPL's request.

On January 1, 2021, FPL and Gulf legally merged, with FPL as the surviving entity. However, during 2021, FPL and Gulf operated as separate ratemaking entities. Effective January 1, 2022, Gulf no longer exists as a separate ratemaking entity. However, because the information included in the attached reports is relevant to timeframes when FPL and Gulf existed as separate ratemaking entities, the documents continue to separately refer to FPL and Gulf with respect to the entity whose information is being submitted.

Please do not hesitate to contact me if you or your Staff has any questions regarding this filing.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ken Rubin', is written over the typed name.

Kenneth Rubin  
Attorney for Florida Power & Light Company  
Fla. Bar No. 349038

Enclosure

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company and  
Gulf Power Company's Earnings Surveillance  
Reports for December 2021

Docket No. 20220000-OT

Filed: February 15, 2022

**FLORIDA POWER AND LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby requests confidential classification of certain information ("Confidential Information") contained in its and Gulf Power Company's ("Gulf") December 2021 Earnings Surveillance Reports (collectively, "December 2021 ESRs").

In support of this request, FPL states as follows:

1. On February 15, 2022 FPL filed the December 2021 ESRs. Portions of Schedule "D" to the December 2021 ESRs contain confidential information.
2. The following exhibits are included with this Request:
  - a. Exhibit A is a copy of the December 2021 ESRs on which all the information FPL asserts is entitled to confidential treatment has been highlighted.
  - b. Exhibit B is a copy of the December 2021 ESRs on which all the information FPL asserts is entitled to confidential treatment has been redacted.
  - c. Exhibit C is a table that identifies by column and line the information for which confidential treatment is sought and references the specific statutory bases for the claim of confidentiality.

d. Exhibit D contains a written declaration in support of this request.

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, Fla. Stat., 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 attached as Exhibit D, some of the Confidential Information contains contractual data, the disclosure of which would impair the efforts of FPL or its vendors for goods or services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

5. Additionally, certain information in these documents concern FPL's 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.

6. 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* § 399.093(4), Fla. Stat.

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

Respectfully submitted.

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By: \_\_\_\_\_

  
Kenneth Rubin  
Florida Bar No. 349048

**CERTIFICATE OF SERVICE**  
**Docket 20220000-OT**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished  
by electronic service this 15th day of February, 2022 to the following:

Suzanne Brownless, Esq.  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
sbrownle@psc.state.fl.us

By:   
Kenneth Rubin  
Florida Bar No. 349038