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June 14, 2022

**VIA HAND DELIVERY**

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

**Re: Docket No. 20220001-EI**

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Third Request for Extension of Confidential Classification of certain material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 2016-020-1-2. This request includes Exhibit D, which consists of the declaration in support of FPL's Third Request for Extension of Confidential Classification.

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

Sincerely,

s/ David M. Lee

David M. Lee

Enclosure

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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor	Docket No: 20220001-EI Date: June 14, 2022
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**FLORIDA POWER & LIGHT COMPANY’S THIRD  
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 2016-020-1-2**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”)<sup>1</sup> hereby submits its Third Request for Extension of Confidential Classification of certain material provided to the Staff of the Florida Public Service Commission (“Staff”) pursuant to the Commission’s review of pre-consolidated Gulf’s 2015 capacity expenditures, Audit No. 2016-020-1-2 (“Confidential Information”). In support of this Request, FPL states as follows:

1. On May 19, 2016, Gulf filed a request for confidential classification of the Confidential Information (Document No. 03029-2016, Docket No. 20160001-EI) (“May 19, 2016 Request”). By Order No. PSC-2016-0458-CFO-EI, dated October 13, 2016 (“Order 0458”), the Commission granted Gulf’s May 19, 2016 Request. FPL adopts and incorporates by reference the May 19, 2016 Request and Order 0458.

2. On April 11, 2018, Gulf filed a Request for Extension of Confidential Classification (“April 11, 2018 Request”). By Order No. PSC-2018-0399-CFO-EI, dated August 13, 2018 (“Order 0399”), the Commission granted Gulf’s April 11, 2018 Request. FPL adopts and incorporates by reference the April 11, 2018 Request and Order 0399.

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<sup>1</sup> As of January 1, 2022, Gulf Power Company (“Gulf”) no longer exists as a separate utility. FPL and the former Gulf Power Company are one consolidated ratemaking entity. The original Request for Confidential Classification and the underlying data submitted with that filing pertains to pre-consolidation operations of Gulf.

3. On February 10, 2020, Gulf filed a Request for Extension of Confidential Classification (“February 10, 2020 Request”). By Order No. PSC-2018-0498-CFO-EI, dated December 14, 2020 (“Order 0498”), the Commission granted Gulf’s February 10, 2020 Request. FPL adopts and incorporates by reference the February 10, 2020 Request and Order 0498.

4. The period of confidential treatment granted by Order 0498 will soon expire. The Confidential Information that was the subject of the February 10, 2020 Request and Order 0498 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Fla. Stat. Accordingly, FPL hereby submits its Third Request for Extension of Confidential Classification.

5. All the information designated in the February 10, 2020 Request remains confidential. Accordingly, Exhibits A, B and C will not be reproduced or reattached herein. Included as Exhibit D is the declaration of Richard Hume in support of this request.

6. The Confidential Information is intended to be and has been treated by pre-consolidation Gulf and 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 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.

5. As stated in Gulf’s original request and the declaration included as Exhibit D, the Confidential Information contains information that relates to competitive interests, the disclosure of which would impair the competitive interests of FPL. Specifically, as stated in the May 19,

2016 Request, the confidential information consists of pricing information for capacity purchases between pre-consolidated Gulf and various counterparties. This information is regarded by both FPL and the counterparties as confidential. The pricing, which resulted from negotiations with pre-consolidated Gulf and the counterparties, is specific to individual contracts and is not publicly known. Disclosure of this information would negatively impact FPL's ability to negotiate pricing favorable to its customers in future contracts. In addition, potential counterparties may refuse to enter into contracts with FPL, or may charge higher prices, if the price terms were made public. This information is protected by Sections 366.093(3)(d) and (e), Fla. Stat.

7. 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, Florida Power & Light Company respectfully requests that its Third Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: /s/ David M. Lee  
David M. Lee  
Florida Bar No. 103152

**CERTIFICATE OF SERVICE**  
**Docket No. 20220001-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification has been furnished by electronic mail on this 14th day of June 2022 to the following:

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By: /s/ David M. Lee  
David M. Lee  
Florida Bar No. 103152

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power Cost  
Recovery Clause with Generating  
Performance Incentive Factor by Florida  
Power & Light Company

Docket No: 20220001-EI

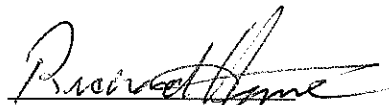
DECLARATION OF RICHARD HUME

1. My name is Richard Hume. I am currently employed by Florida Power & Light Company ("FPL") as Regulatory Issues Manager. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Third Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 2016-020-1-2 for which I am identified as a declarant. The documents which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to competitive interests. Specifically, the confidential information consists of pricing information for capacity purchases between pre-consolidated Gulf and various counterparties. This information is regarded by both FPL and the counterparties as confidential. The pricing, which resulted from negotiations with pre-consolidated Gulf and the counterparties, is specific to individual contracts and is not publicly known. Disclosure of this information would negatively impact FPL's ability to negotiate pricing favorable to its customers in future contracts. In addition, potential counterparties may refuse to enter into contracts with FPL, or may charge higher prices, if the price terms were made public. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. Nothing has occurred since the issuance of Order No. PSC-2020-0498-CFO-EI to render the designated information stale or public, such that continued confidential treatment would not be appropriate. Therefore, consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of thirty-six (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.

  
Richard Hume

Date: June 14, 2022