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November 16, 2022

VIA ELECTRONIC FILING

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 attach for filing in the above docket Florida Power & Light Company's Second Request for Extension of Confidential Classification of certain material provided to the Staff of the Florida Public Service Commission pursuant to Audit Control No. 2019-017-1-2. The request also includes Exhibit D, which is the declaration in support of the request.

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: November 16, 2022
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**FLORIDA POWER & LIGHT COMPANY’S SECOND
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 2019-017-1-2**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”)¹ hereby submits its Second 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 2019 capacity expenditures, Audit No. 2019-017-1-2 (“Confidential Information”). In support of this Request, FPL states as follows:

1. On May 20, 2019, Gulf filed a request for confidential classification of the Confidential Information (Document No. 04073-2019, Docket No. 20190001-EI) (“May 20, 2019 Request”). By Order No. PSC-2019-0346-CFO-EI, dated August 22, 2019 (“Order 0346”), the Commission granted Gulf’s May 20, 2019 Request. FPL adopts and incorporates by reference the May 20, 2019 Request and Order 0346.

2. On February 18, 2021, Gulf filed a Request for Extension of Confidential Classification (“February 18, 2021 Request”). By Order No. PSC-2021-0178-CFO-EI, dated May 19, 2021 (“Order 0178”), the Commission granted Gulf’s February 18, 2021 Request. FPL adopts and incorporates by reference the February 18, 2021 Request and Order 0178.

¹ 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. The period of confidential treatment granted by Order 0178 will soon expire. The Confidential Information that was the subject of Gulf's February 18, 2021 Request and Order 0178 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Fla. Stat. Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

4. All the information designated in the February 18, 2021 Request remains confidential, and to the knowledge of the undersigned attorney, the Confidential Information has not been publicly disclosed. Accordingly, Exhibits A, B and C will not be reproduced or reattached herein. Included as Exhibit D is the declarations of Gerard J. Yupp in support of this request.

5. 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. The Confidential Information is entitled to continued confidential classification for the same reasons that it was initially classified. As stated in Gulf's Original Request, a portion of the information submitted by Gulf Power in connection with the Review constitutes proprietary confidential business information concerning bids and other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. Specifically, this Confidential Information includes pricing information for capacity purchases

between pre-consolidation Gulf and various counterparties. This information continues to be regarded as confidential by FPL and the various counterparties. Potential counterparties may refuse to enter into contracts with FPL, or they may charge higher prices if the terms were made public. Disclosure of this information would also impair the competitive interests of FPL and its counterparties. The information is entitled to confidential classification pursuant to section 366.093(3)(d) and (e), Florida Statutes.

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
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CERTIFICATE OF SERVICE
Docket No. 20220001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 16th day of November, 2022 to the following:

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By: /s/ David M. Lee
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EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

Docket No: 20220001-EI

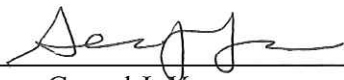
DECLARATION OF GERARD J. YUPP

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Wholesale Operations, Energy Marketing and Trading. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed Exhibit C and the documents and information included in Exhibit A of FPL's Request for Confidential Classification. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms, as well as information relating to competitive interests of FPL and its counterparties, the disclosure of which would impair their competitive interests. Specifically, this information relates to pricing information for capacity purchases between the former Gulf Power Company and various counterparties. This pricing data is the product of contractual negotiations between the former Gulf Power Company and various counterparties. This information is specific to individual contracts and is regarded by both FPL and counterparties as confidential. Furthermore, disclosure of the pricing terms may result in counterparties refusing to conduct business with FPL, or they may charge higher prices. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. 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.



Gerard J. Yupp

Date: 11/14/22