

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20210015-EI

Filed: January 30, 2023

**FLORIDA POWER & LIGHT COMPANY’S FIRST REQUEST FOR EXTENSION OF
CONFIDENTIALCLASSIFICATION OF CERTAIN INFORMATION PROVIDED
IN ITS SECOND SUPPLEMENTAL RESPONSES TO THE OFFICE OF PUBLIC
COUNSEL’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS NOS. 45
AND 57 AND FIRST SET OF INTERROGATORIES NOS. 93-96**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”) hereby submits its First Request for Extension of Confidential Classification of certain information provided in its second supplemental responses to the Office of Public Counsel’s First Request for Production of Documents Nos. 45, and 57 and First Set of Interrogatories Nos. 93- 96, (the “Confidential Information”). In support of its Request, FPL states as follows:

1. On April 26, 2021, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D (“April 26, 2021 Request”). Document No. 03701-2021. By Order No. PSC-2021-0284-CFO-EI, dated July 29, 2021 (“Order 0284”), the Commission granted FPL’s April 26, 2021 Request. FPL adopts and incorporates by reference the April 26, 2021 Request and Order 0284.

2. The period of confidential treatment granted by Order 0284 will soon expire. The Confidential Information that was the subject of FPL’s April 26, 2021 Request and Order 0284 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.903(3). Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

3. All of the information designated in Exhibits A, B and C to the April 26, 2021 Request remain confidential. Accordingly, those exhibits will not be reproduced or reattached here.

4. Also included is First Revised Exhibit D, which consists of the declarations of Liz Fuentes, Keith Ferguson, and Antonio Maceo in support of this Request.

5. 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, 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.

6. As described in the declarations included as Exhibit D, certain information in the Confidential Information contains information concerning bids, pricing information or other contractual data, specifically employee compensation data, bids, pricing information or other contractual data, including insurance contracts, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms to the detriment to FPL and its customers. In addition, the disclosure of employee compensation data would affect the utility's ability to attract and retain employees. Other information contained in the Confidential Information consists of internal audits. This information is protected by Sections 366.093(3) (b), (d) and (e) Fla. Stat.

7. 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 declarations, FPL respectfully requests that its Request for Extension of Confidential Classification be granted.

Respectfully submitted,

FLORIDA POWER & LIGHT COMPANY

By: /s/ Maria Jose Moncada

Maria Jose Moncada
Managing 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
20210015-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail this 30th day of January 2023 to the following parties:

Suzanne Brownless
Bianca Lherisson
Shaw Stiller
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
sbrownle@psc.state.fl.us
blheriss@psc.state.fl.us
sstiller@psc.state.fl.us

By: s/ *Maria Jose Moncada*
Maria Jose Moncada
Florida Bar No. 0773301

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FIRST REVISED EXHIBIT “D”

FIRST REVISED EXHIBIT D

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DECLARATION OF LIZ FUENTES

1. My name is Liz Fuentes. I am currently employed by Florida Power & Light Company (“FPL”) as Senior Director, Regulatory Accounting. 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 second supplemental response to OPC’s First Set of Interrogatories Nos. 93-96. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain information concerning bids or other contractual data (insurance contracts), the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-2021-0284-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 at least an additional eighteen (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.



Liz Fuentes

Date: 1/27/2023

FIRST REVISED EXHIBIT D

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DECLARATION OF KEITH FERGUSON

1. My name is Keith Ferguson. I am currently employed by Florida Power & Light Company (“FPL”) as Vice President, Accounting and Controller. 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 second supplemental response to OPC’s First Request for Production of Documents No. 57. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain competitive business information the disclosure of which would impair the competitive business of FPL. Specifically, the information contains Affiliate Management Fee information related to executive compensation which, if made public, could make it more difficult for FPL to hire and retain talented executives. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-2021-0284-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 at least an additional eighteen (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.



Keith Ferguson

Date: 1/27/2023

FIRST REVISED EXHIBIT D

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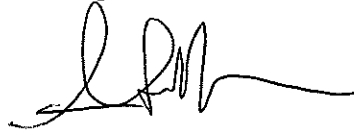
DECLARATION OF ANTONIO MACEO

1. My name is Antonio Maceo. I am currently employed by Florida Power & Light Company ("FPL") as Senior Manager, Internal Audit. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Request for Confidential Classification, specifically the materials provided in FPL's second supplemental response to OPC's First Request for Production of Documents No. 45. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain reports of internal auditors. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-2021-0284-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 at least an additional eighteen (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 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.



Antonio Maceo

Date:

6/30/23