

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
CONFIDENTIAL CLASSIFICATION OF CERTAIN INFORMATION PROVIDED IN
ITS RESPONSES TO OPC’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
AND FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS**

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 Office of Public Counsel’s (“OPC”) First Request for Production of Documents, No. 36 and its responses to OPC’s Fifth Request for Production of Documents, No. 91 (the “Confidential Information”). In support of its Request, FPL states as follows:

1. On May 10, 2021, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C, and D (“May 10, 2021 Request”). Document No. 03984-2021. By Order No. PSC-2021-0287-CFO-EI, dated July 29, 2021 (“Order 0287”), the Commission granted FPL’s May 10, 2021 Request. FPL adopts and incorporates by reference the May 10, 2021 Request and Order 0287.

2. The period of confidential treatment granted by Order 0287 will soon expire. The Confidential Information that was the subject of FPL’s May 10, 2021 Request and Order 0287 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 May 10, 2021 Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached here.

4. Also included is First Revised Exhibit D, which consists of the declaration of Jeffrey Kopp 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, 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.

6. As described in the declarations included as Exhibit D, the Confidential Information consists of proprietary confidential business information, the disclosure of which would cause harm to FPL's customers and its business operations. Specifically, the information contains contractual data such as pricing information, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. This information is protected by Sections 366.093(3)(d), 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* § 366.093(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 First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

FLORIDA POWER & LIGHT COMPANY

By: /s/ Maria Jose Moncada
Maria Jose Moncada
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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 January 2023 to the following parties:

Suzanne Brownless
Shaw Stiller
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
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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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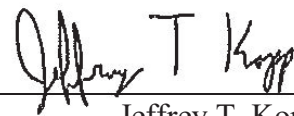
DECLARATION OF JEFFREY T. KOPP

1. My name is Jeffrey T. Kopp. I am currently employed by 1898 & Company as Managing Director of Utility Consulting. 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 my responses to Office of the Public Counsel's First Request for Production of Documents, No. 36 and Fifth Request for Production of Documents, No. 91. The documents or materials that I have reviewed and which are proprietary confidential business information contain competitive business information the disclosure of which would impair the competitive business of the provider of the information. Specifically, the information contains pricing information 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-2021-0287-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.



Jeffrey T. Kopp

Date: 1/27/2023