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March 9, 2023

REDACTED

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

RECEIVED-FPSC
2023 MAR -9 PM 4: 54
COMMISSION
CLERK

Re: Docket No. 20230001-EI
Florida Power & Light Company Request for Confidential Classification

Dear Mr. Teitzman:

Enclosed for filing in the above docket is Florida Power & Light Company's ("FPL") Request for Confidential Classification of certain information provided in response to the Office of Public Counsel's ("OPC") First Request for Production of Documents, No. 7. The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the confidential documents with all the information that FPL asserts is entitled to confidential treatment has been highlighted in yellow. As the documents in Exhibit A are confidential in their entirety, Exhibit B consists of an insert page identifying the Bates numbers of the redacted documents. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains declaration in support of FPL's request.

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

- COM _____
- AFD 1 *eyh * B"*
- APA _____
- ECO _____
- ENG _____
- GCL _____
- IDM _____
- CLK _____

Sincerely,

David M. Lee

Enclosures
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. 20230001-EI

Filed: March 9, 2023

FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED IN RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS No. 7

Pursuant to Section 366.093, Florida Statutes ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby requests confidential classification of certain information provided in response to the Office of Public Counsel's ("OPC") First Request for Production of Documents (No. 7) (the "Confidential Documents"). In support of this Request, FPL states as follows:

1. On February 7, 2023, OPC served its First Request for Production of Documents on FPL. FPL's Response to OPC's First Request for Production of Documents No. 7 contains information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.
2. FPL served its response to OPC's First Request for Production of Documents (No. 7) on March 9, 2023. This request is being filed contemporaneously with the service of the response to request confidential classification of the Confidential Documents consistent with Rule 25-22.006, Florida Administrative Code.
3. The following exhibits are attached to and made a part of this Request:
 - a. Exhibit A consists of a copy of the Confidential Documents on which all information that FPL asserts is entitled to confidential treatment is highlighted.
 - b. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. As the documents in Exhibit A

are confidential in their entirety, FPL has only included in Exhibit B a cover page for each document in Exhibit A.

- c. Exhibit C is a table that identifies the information highlighted in Exhibit A and references the specific statutory basis for the claim of confidentiality and identifies the declarant who supports the requested classification.
- d. Exhibit D consists of the declaration of Cheryl Dietrich in support of this Request.

4. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, Florida Statutes (“F.S.”) 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.

5. As the descriptions included in Exhibit C and the declaration included in Exhibit D indicates, the Confidential Documents contain information that if made public, would impair the competitive interests of FPL and the third-party who provided the information to FPL. Specifically, the confidential documents contain information that was provided to FPL by a third-party as confidential, and which are proprietary to that third-party. If FPL were to publicly disclose this information, third-parties may refuse to share this type of information with FPL in the future, to the detriment of FPL and its customers. This information is protected by Sections 366.093(3)(e), F.S.

6. Upon a finding by the Commission that the information contained in the Confidential Documents is proprietary and confidential business information, the information should not be declassified for at least eighteen (18) months and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. See Section 366.093(4), F.S.

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

Respectfully submitted,

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By:



David M. Lee
Florida Bar No. 103152

CERTIFICATE OF SERVICE

Docket 20230001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery on this 9th day of March 2023 to the following:

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By: _____



David M. Lee
Florida Bar No. 103152

Docket No. 20230001-EI

EXHIBIT “B”

**FPL MATERIALS PROVIDED PURSUANT
OPC’s FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS NO. 7**

Docket No. 2023-0001-EI

The document responsive to OPC's First Request for
Production of Document No. 7, Bates Nos.
FCR-23-000365 – FCR-23-000397, is confidential
in its entirety.

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 20230001-EI
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor
SUBJECT: FPL's Response to OPC's First Request for Production (No. 7)
DATE: March 9, 2023

Item No.	Bates Nos. / Page Nos.	Description	Line No./ Col. No.	Florida Statute 366.093(3) Subsection	Declarant
OPC 1 st POD, No. 7	FRC -23-000365 to FRC -23-000397	Framatome Engineering Information Record (08/12/2020)	ALL	(e)	Cheryl Dietrich
OPC 1 st POD, No. 7	FRC -23-000398 to FRC -23-000399	Framatome Gripper Observation (10/13/2021)	ALL	(e)	Cheryl Dietrich

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20230001-EI

DECLARATION OF CHERYL DIETRICH

1. My name is Cheryl Dietrich. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director Finance, Nuclear Finance. 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 relating to the competitive interests of a third-party, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the confidential documents contain information that was provided to FPL by a third-party as confidential, and which are proprietary to that third-party. If FPL were to publicly disclose this information, third parties may refuse to share this type of information with FPL in the future, to the detriment of FPL and its customers. 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 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.


Cheryl Dietrich

Date: MARCH 8, 2023