

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchase Power Cost Recovery
Clause with Generating Performance Incentive
Factor

Docket No: 20230001-EI
Date: March 16, 2023

**FLORIDA POWER AND LIGHT COMPANY'S FIRST
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF INFORMATION PROVIDED PURSUANT TO AUDIT NO. 2021-007-4-2**

Pursuant to Section 366.093, Florida Statutes (“Section 366.093”), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”) hereby submits its First Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 2021-007-4-2 (“Confidential Information”). In support of this request, FPL states as follows:

1. On May 24, 2021, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D (“May 24, 2021 Request”). Document No. 04225-2021. By Order No. PSC-2021-0360-CFO-EI, dated September 16, 2021 (“Order 0360”), the Commission granted FPL’s May 24, 2021 Request. FPL adopts and incorporates by reference the May 24, 2021 Request and Order 0360.

2. The period of confidential treatment granted by Order 0360 will soon expire. The Confidential Information that was the subject of FPL’s May 24, 2021 Request and Order 0360 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

3. All the information designated in Exhibits A, B and C to the May 24, 2021 Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached here.

4. The declaration of Gerard Yupp in support of this Request is included as First Revised Exhibit D.

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 the declaration included in First Revised Exhibit D indicates, certain documents contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Also, certain information in these documents concern FPL's competitive interests, the disclosure of which would impair the competitive business of FPL and its vendors. Additionally, certain documents contain or constitute data such as pricing and other terms, payment records, and vendor and supplier rates. The disclosure of this information would impair the efforts of FPL to contract for energy and capacity-related goods or services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a disadvantage when coupled with other information that is publicly available. This information is protected pursuant to Sections 366.093(3)(d) & (e), Fla. Stat.

7. Nothing has changed since the Commission entered Order 0360 to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

8. 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 materials 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 included with or incorporated in this Request, Florida Power & Light Company respectfully requests that its First 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. 20230001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing First Request for Extension of Confidential Classification was served by electronic mail this 16th day of March, 2023 to the following:

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FIRST REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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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 of Wholesale Operations in the Energy Marketing and Trading business unit. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed Exhibit C and the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 2021-007-4-2 for which I am designated as the declarant. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute data such as pricing and other terms, payment records, and vendor and supplier rates. The disclosure of this information would impair the efforts of FPL to contract for energy and capacity-related goods or services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a disadvantage when coupled with other information that is publicly available. 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-2021-0360-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 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 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: 3/13/23