



David M. Lee
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July 6, 2023

-VIA HAND DELIVERY -

Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

REDACTED

RECEIVED-FPSC
2023 JUL -6 PM 3:35
COMMISSION
CLERK

Re: Docket No. 20230000-OT

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Certain Contractual Materials Provided to Staff of the Florida Public Service Commission. The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the confidential document printed on yellow paper as FPL asserts the document is confidential in its entirety. Exhibit B is a cover page identifying that Exhibit A is confidential in its entirety. Exhibits C and D are a justification table and a declaration, respectively, in support of FPL's Request.

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

- COM _____
- AFD _____
- APA _____
- ECO** _____ *I EXH "B"*
- ENG _____
- GCL _____
- IDM _____
- CLK _____

Sincerely,

David M. Lee

Enclosure

cc: Suzanne Brownless, Division of Legal Services, Florida Public Service Commission

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Confidential Classification
by Florida Power & Light Company

Docket No.: 20230000-OT

Date: July 6, 2023

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF CERTAIN CONTRACTUAL MATERIAL
PROVIDED TO THE STAFF OF THE FLORIDA PUBLIC SERVICE COMMISSION**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain contractual material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Staff's request. In support of this request, FPL states as follows:

1. On July 5, 2023, Staff requested that FPL provide a copy of a contract document that is treated confidentially. Accordingly, FPL files this Request for Confidential Classification to maintain continued confidential handling of the document.

2. The following exhibits are included with and made a part of this request:

a. Exhibit A consists of a copy the confidential document. As the document is confidential in its entirety, the document is printed on yellow paper.

b. Exhibit B consists of two copies of an identifying cover page indicating the document in Exhibit A is confidential it its entirety and therefore, is redacted in its entirety.

c. Exhibit C is a table containing an identification of the confidential information in Exhibit A by page. Exhibit C also references the specific statutory basis for the claim of confidentiality and identifies the declarant who supports the requested classification.

d. Exhibit D is the declarations of Dan DeBoer in support of this Request.

3. FPL submits that the contract that comprises 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, 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.

4. As described more fully in the declaration included as Exhibit D, the requested document is an agreement between FPL and the Institute of Nuclear Power Operations (“INPO”), which contains the terms negotiated between the parties. This document relates to competitive interests of FPL and INPO, and its disclosure would impair the competitive business interests of both FPL and INPO. This information is protected by Section 366.093(3)(e), Fla. Stat.

5. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, 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, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

Maria Jose Moncada
Managing Attorney
David M. Lee
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By: 


David M. Lee
Florida Bar No. 103152

CERTIFICATE OF SERVICE

Docket No. 20230000-OT

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 6th day of July 2023 to the following:

Suzanne Brownless
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
sbrownle@psc.state.fl.us

By: 

David M. Lee
Florida Bar No. 103152

Docket No. 20230000-OT

EXHIBIT “B”

**FPL’s MATERIALS PROVIDED PURSUANT
TO STAFF REQUEST**

Docket No. 20230000-OT

The document requested by Staff –
INPO Agreement with FPL (Page Nos. 1-7) –
is confidential in its entirety.

Docket No. 20230000-OT

EXHIBIT “C”

**FPL’s MATERIALS PROVIDED PURSUANT
TO STAFF REQUEST**

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 20230000-OT
DATE: July 6, 2023

Description	No. of Pages	Conf Y/N	Column No./Line No.	Florida Statute 366.093 (3) Subsection	Declarant
INPO Agreement with FPL	7	Y	Entire Document	(e)	Dan DeBoer

Docket No. 20230000-OT

EXHIBIT “D”

**FPL’s MATERIALS PROVIDED PURSUANT
TO STAFF REQUEST**

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Confidential Classification
by Florida Power & Light Company

Docket No. 20230000-OT

DECLARATION OF DAN DEBOER

1. My name is Dan DeBoer. I am currently employed by Florida Power & Light Company ("FPL") as Vice President in FPL's Nuclear business unit. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed Exhibit C and the document that is included in Exhibit A to FPL's Request for Confidential Classification of its Agreement with the Institute of Nuclear Power Operations ("INPO"). The document or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information is an agreement between FPL and INPO, which contains the terms negotiated between the parties. This document relates to competitive interests of FPL and INPO, and its disclosure would impair the competitive business interests of both FPL and INPO. To the best of my knowledge, FPL has maintained the confidentiality of this document and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of least 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.



Dan DeBoer

Date: 7/6/23