

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: August 21, 2021

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
EXTENSION OF CONFIDENTIAL CLASSIFICATION OF CAPACITY
PAYMENTS TO NON-COGENERATORS IDENTIFIED IN SCHEDULE E-12**

Pursuant to Section 366.093, Florida Statutes (“Section 366.093(3)”), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”) requests confidential classification of certain information contained in Schedule E12 of Appendix IV to the prepared testimony of FPL witness Renae B. Deaton filed on September 3, 2021 (the “Confidential Information”). In support of this request, FPL states as follows:

1. On September 3, 2021, FPL filed a Request for Confidential classification of the Confidential Information, which included Exhibits A, B, C and D (“September 3, 2021 Request”). By Order No. PSC-2022-0081-CFO-EI, dated February 21, 2022, (“Order 0081”), the Commission granted FPL’s September 3, 2021 Request. FPL adopts and incorporates by reference the September 3, 2021 Request and Order 0081.

2. The period of confidential treatment granted by Order 0081 will soon expire. The Confidential Information that was the subject of FPL’s September 3, 2021 Request and Order 0081 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its Request for Extension of Confidential Classification.

3. All the information designated in Exhibit A to the September 3, 2021 Request remains confidential. Accordingly, Exhibits A, B and C remain unchanged and will not be

reproduced or reattached here. Included with this filing as Revised Exhibit D is the declaration of Gerard J. Yupp in support of this request.

4. 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 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.

5. The Confidential Information is entitled to confidential classification for the same reasons stated in the September 3, 2021 Request. The Confidential Information consists of contractual data about FPL's capacity payments to specific counterparties. The disclosure of this contractual information would provide other market participants insight into FPL's marketing and procurement practices and impair FPL's ability to contact for capacity on favorable terms, to the detriment of FPL and its customers. Such information is protected by Section 366.093(3)(d), Fla. Stat. This information also relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity. The disclosure of this information would impair their competitive business interests. Such information is protected by Section 366.093(3)(e), Fla. Stat.

6. Upon a finding by the Commission that the Confidential Information remains proprietary confidential business information, the information should not be declassified for at least an additional eighteen (18) month period 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 included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

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By: /s/ David M. Lee

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 has been furnished by electronic mail on this 21st day of August 2023 to the following:

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REVISED EXHIBIT “D”

**FPL’s REQUEST FOR EXTENSION OF
CONFIDENTIAL CLASSIFICATION FOR
CAPACITY PAYMENTS (SCHEDULE E-12)**

REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20230001-EI

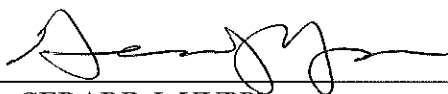
DECLARATION OF GERARD J. YUPP

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 Division. 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 September 3, 2021 Request for Extension of Confidential Classification of Capacity Payments to Non-Cogenerators Identified in Schedule E12. The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information comprise information concerning contractual data about FPL's capacity payments to specific counterparties. Disclosure of this contractual information would provide other market participants insight into FPL's marketing and procurement practices and impair FPL's ability to contract for capacity on favorable terms, to the detriment of FPL and its customers. The information contained in Schedule E12 also relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, the materials 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.



GERARD J. YUPP

Date: 8/21/23