

**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: October 19, 2023

**FLORIDA POWER & LIGHT COMPANY'S SECOND REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 17-023-4-2**

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 Second Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 17-023-4-2 ("Confidential Information"). In support of this request, FPL states as follows:

1. On May 18, 2017, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D ("May 18, 2017 Request"). By Order No. PSC-2017-0251-CFO-EI, dated June 29, 2017 ("Order 0251"), the Commission granted FPL's May 18, 2017 Request. FPL adopts and incorporates by reference the May 18, 2017 Request and Order 0251.

2. On June 29, 2020, FPL filed a Request for Extension of Confidential Classification ("June 29, 2020 Request"). By Order No. PSC-2020-0389-CFO-EI, dated October 19, 2020, ("Order 0389") the Commission granted FPL's June 29, 2020 Request. FPL adopts and incorporates by reference the June 29, 2020 Request and Order 0389.

3. The period of confidential treatment granted by Order 0389 will soon expire. The Confidential Information that was the subject of FPL's June 29, 2020 Request and Order 0389 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

4. All the information designated in the June 29, 2022 Request remains confidential, and to the knowledge of the undersigned attorney, the Confidential Information has not been publicly disclosed. Accordingly, Exhibits A and B will not be reproduced or reattached herein. Included is a Second Revised Exhibit C to identify a new declarant, Cheryl Dietrich, who is replacing a previous declarant, Stephanie Castaneda.

5. Also included as Second Revised Exhibit D, are the declarations of Cheryl Dietrich and Gerard J. Yupp in support of this request.

6. 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.

7. As explained more fully in the declarations included as Second Revised Exhibit D, 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. Specifically, the documents include pricing formulas and other terms, payment records, and supplier rates for capacity and energy transactions, the disclosure of which would impair the efforts of FPL to contract for capacity and energy on favorable terms for the benefit of its customers. 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 by Section 366.093(3)(d), Fla. Stat.

8. Also, certain documents contain information relating to competitive interests of FPL and/or its vendors, the disclosure of which would impair the competitive business of FPL and/or its vendors. This information is protected by Section 366.093(3)(e), Fla. Stat.

9. Nothing has changed since the Commission entered Order 0389 to render the Confidential Information identified in Second Revised Exhibit C stale or public, such that continued confidential treatment would not be appropriate.

10. 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 reports 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 Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: /s/ David M. Lee  
David M. Lee  
Florida Bar No. 103152

**CERTIFICATE OF SERVICE**  
**Docket No. 20230001-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic service on this 19<sup>th</sup> day of October 2023 to the following:

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By: /s/ David M. Lee

David M. Lee  
Florida Bar No. 103152

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**SECOND REVISED EXHIBIT “C”**

**FPL MATERIALS PROVIDED IN  
AUDIT NO. 2017-023-4-2**

**SECOND REVISED EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Workpapers  
**AUDIT:** FPL, Capacity Audit  
**AUDIT CONTROL NO:** 2017-023-4-2  
**DOCKET NO:** 20230001-EI  
**DATE:** October 19, 2023

**Bold denotes revision for a new declarant**

<b>Workpaper No.</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf Y/N</b>	<b>Column No./Line No.</b>	<b>Florida Statute 366.093 (3) Subsection</b>	<b>Declarant</b>
16-2/2	Capital Sample	1	N			
16-2/2-1	Capital Sample	1	N			
42-1	Transmission Revenues	1	N			
42-1/1	Transmission Revenues	1	N			
42-1/1-1	Transmission Revenues	1	N			
42-1/1-1/1	Transmission Revenues	4	N			
42-1/1-2	Transmission Revenues	1	N			
42-1/1-2/1	Transmission Revenues	4	N			
42-1/2	Transmission Revenues	1	N			
42-2	Transmission Revenues	2	N			
42-2/1	Transmission Revenues	1	N			
42-2/2	Transmission Revenues	1	N			
42-2/3	Transmission Revenues	1	N			
42-2/4	Transmission Revenues	1	N			
42-2/5	Transmission Revenues	1	N			
42-2/6	Transmission Revenues	2	N			
44-1	Security Fees	4	N			
44-1/3	Security Fees	1	N			
<b>44-1/3-1</b>	<b>Security Fees</b>	<b>1</b>	<b>Y</b>	<b>Col. A, Lns. 1-14</b>	<b>(e)</b>	<b>C. Dietrich</b>
44-1/4	Security Fees	1	N			
44-1/5	Security Fees	1	N			
46-2	Purchased Power	1	N			
46-2/1	Purchased Power	1	N			
46-2/1-1	Purchased Power	1	N			
46-2/2	Purchased Power	1	N			
46-2/2-1	Purchased Power	4	N			
46-2/2-2	Purchased Power	1	N			
46-2/3	Purchased Power	1	Y	Col. A, Lns. 1-11 Cols. B-C, Line 1	(d), (e)	G. Yupp
46-2/3-1	Purchased Power	6	Y	ALL	(d)	G. Yupp
46-2/3-2	Purchased Power	1	Y	Col. A, Line 2 Col. B, Lns. 1-4	(e)	G. Yupp
46-3	Purchased Power	1	N			
46-3/1	Purchased Power	1	N			
46-3/1-1	Purchased Power	1	N			
46-3/1-1/1	Purchased Power	1	N			
46-3/2	Purchased Power	1	N			
46-3/2-1	Purchased Power	2	N			
46-3/2-2	Purchased Power	1	N			



<b>Workpaper No.</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf Y/N</b>	<b>Column No./Line No.</b>	<b>Florida Statute 366.093 (3) Subsection</b>	<b>Declarant</b>
46-4	Purchased Power	1	N			
46-4/1	Purchased Power	1	N			
46-4/2	Purchased Power	1	N			
46-4/2-1	Purchased Power	4	N			
46-4/3	Purchased Power	1	N			

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**SECOND REVISED EXHIBIT “D”**

**FPL MATERIALS PROVIDED IN  
AUDIT NO. 2017-023-4-2**

**SECOND REVISED EXHIBIT D**

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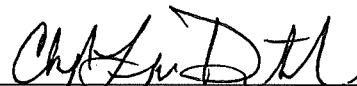
**DECLARATION OF CHERYL DIETRICH**

1. My name is Cheryl Dietrich. I am currently employed by Florida Power & Light Company ("FPL") as Sr Director Finance, Nuclear. 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 May 18, 2017, Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 17-023-4-2, for which I am listed as the declarant. Such documents and materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information and contain information relating to FPL's competitive interests, the disclosure of which would impair the competitive business of FPL. Specifically, the documents contain information concerning employee benefits and compensation. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. Nothing has occurred since the issuance of Order No. PSC-2020-0389-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of not less than 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 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: 10/18/2023

**SECOND REVISED EXHIBIT D**

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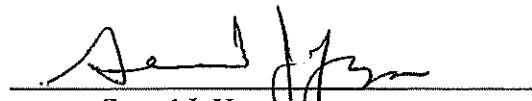
**DECLARATION OF GERARD J. YUPP**

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 Division. 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 May 18, 2017, Request for Confidential Classification of Information Obtained in Connection with Audit No. 17-023-4-2, for which I am listed 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 contractual data such as pricing formulas and other terms, payment records, and supplier rates for capacity and energy transactions, the disclosure of which would impair the efforts of FPL to contract for capacity and energy 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-2020-0389-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of not less than 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 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: 10/18/23