

**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: December 20, 2023

**FLORIDA POWER & LIGHT COMPANY'S REVISED SECOND REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 2017-023-4-1**

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 Revised Second Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 2017-023-4-1 ("Confidential Information"). In support of this request, FPL states as follows:

1. On May 24, 2017, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D ("May 24, 2017 Request"). By Order No. PSC-2017-0250-CFO-EI, dated June 29, 2017 ("Order 0250"), the Commission granted FPL's May 24, 2017 Request. FPL adopts and incorporates by reference the May 24, 2017 Request and Order 0250.

2. On June 29, 2020, FPL filed its First Request for Extension of Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D ("June 29, 2020 Request"). By Order No. PSC-2020-0504-CFO-EI, dated December 17, 2020 ("Order 0504"), the Commission granted FPL's June 29, 2020 Request. FPL adopts and incorporates by reference the June 29, 2020 Request and Order 0504.

3. On February 21, 2022, the Commission issued Order No. PSC-2022-0092-CFO-EI, ("Order 0092") in which it clarified that Documents Nos.04671-2017, 04672-2017 and 11119-2020, which were inadvertently omitted from Order 0504, were in fact deemed confidential under

Order 0504 and would remain confidential until December 17, 2023. In addition, Order 0092 clarified that Document No. 05159-2017 was returned to FPL.

4. The period of confidential treatment granted by Orders 0504 and 0092 will soon expire. All of the Confidential Information that was the subject of FPL's June 29, 2020 Request and Orders 0504 and 0092 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.

5. All the information designated in the June 29, 2020 Request remains confidential, and to the knowledge of the undersigned attorney, the Confidential Information has not been publicly disclosed. In addition, the declarants supporting this filing remain unchanged from the June 29, 2020 Request. Accordingly, Exhibits A, B and C will not be reproduced or reattached herein. Included with this filing as Second Revised Exhibit D are the declarations of William Scott Seeley, Antonio Maceo 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 First Revised Exhibit D, certain documents contain information concerning internal auditing controls and reports of internal

auditors, and the release of this information would be harmful to FPL and its customers. This information is protected by Section 366.093(3)(b), Fla. Stat.

8. Certain documents contain information relating to 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 documents contain information relating to competitive interests, the disclosure of which would impair the competitive business of FPL and its vendors. Specifically, the documents include information related to the purchase or sale of energy and capacity, natural gas, fuel oil, coal and natural gas storage. 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. In addition, some of the Confidential Information includes NEE Board of Director's highly confidential discussions and presentations which describe business plans or strategies. Some of the materials relate to personal employee information. This information is protected by Sections 366.093(3)(d) and (e), Fla. Stat.

9. Nothing has changed since the Commission entered Order 0504 to render the Confidential Information 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 a 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  
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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 20th day of December 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 “D”**

**FPL MATERIALS PROVIDED IN  
AUDIT NO. 2017-023-4-1**

**SECOND REVISED EXHIBIT D**

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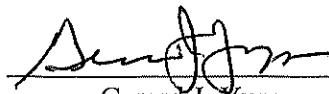
**DECLARATION OF GERARD J. YUPP**

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 business unit. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed Exhibit C and the documents that were included in Exhibit A to FPL's First Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 17-023-4-1 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. Specifically, the documents include information related to the purchase or sale of energy and capacity, natural gas, fuel oil, coal and natural gas storage. 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-2020-0504-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: 12/14/23



SECOND REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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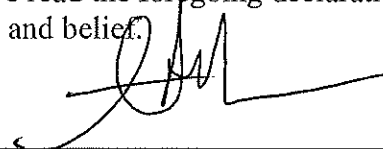
DECLARATION OF ANTONIO MACEO

1. My name is Antonio Maceo. I am currently employed by Florida Power & Light Company ("FPL") as Senior Manager, Internal Auditing. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed Exhibit C, and the documents that were included in Exhibit A to FPL's First Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 2017-023-4-1 for which I am designated as the declarant. Such documents or materials that I have reviewed and which, in whole or in part, are asserted by FPL to be proprietary confidential business information, contain or constitute internal auditing controls, reports or notes of internal auditors, or information relating to internal auditing reports issued in 2016. Full and frank disclosure of information to the Internal Auditing department is essential for the department to fulfill its role, and the confidential status of internal auditing scope, process, findings, and reports supports such disclosure. The release of information related to reports of internal auditors would be harmful to FPL and its customers because it may affect the effectiveness of the Internal Auditing department itself. 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-2020-0504-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.



Antonio Maceo

Date: \_\_\_\_\_

12/14/23

**SECOND REVISED EXHIBIT D**

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In re: Fuel and Purchase Power Cost Recovery  
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**DECLARATION OF WILLIAM SCOTT SEELEY**

1. My name is William Scott Seeley. I currently serve as Vice President, Compliance & Corporate Secretary of NextEra Energy, Inc. ("NEE") and Florida Power & Light Company ("FPL"). I have personal knowledge of the matters stated in this declaration.

2. I have reviewed Exhibit C, and the documents that were included in Exhibit A to FPL's First Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 17-023-4-1 for which I am designated as the declarant. The materials I have reviewed, and which are asserted by NEE and FPL to be proprietary confidential business information, contain or constitute competitively sensitive information, the disclosure of which could impair NEE's or FPL's competitive business. Specifically, the information includes NEE Board of Director's highly confidential discussions and presentations which describe business plans or strategies. Some of the materials relate to personal employee information. To the best of my knowledge, NEE and FPL have maintained the confidentiality of these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-2020-0504-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 and NEE 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.



William Scott Seeley

Date: 12/14/2023