

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Ian and Nicole, by Florida Power & Light Company

Docket No. 20230017-EI

Filed: January 5, 2024

**FLORIDA POWER & LIGHT COMPANY'S
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Pursuant to Section 366.093(2), Florida Statutes, and Rule 25-22.006(6)(c), Florida Administrative Code, Florida Power & Light Company (“FPL”), hereby moves the Florida Public Service Commission (the “Commission”), through the Prehearing Officer, for a temporary protective order to exempt from Section 119.07(1), Florida Statutes, certain confidential information requested to be reviewed by the Office of Public Counsel (“OPC”), and for protection of that information against public disclosure pending the OPC’s review. In support of its Motion, FPL states:

1. Pursuant to Section 18 of the Stipulation and Settlement of FPL’s Hurricane Irma storm restoration costs approved by Commission Order No. PSC-2019-0319-S-EI in Docket No. 20180049-EI (“Irma Settlement”), FPL engaged PricewaterhouseCoopers (“PwC”) as an outside independent audit firm to examine FPL’s storm restoration costs and processes associated with Hurricane Ian.

2. Upon completion of its examination, PwC issued its October 17, 2023 Attestation Report regarding the accuracy of the incremental storm restoration costs and internal controls associated with Hurricane Ian. Copies of the July 14, 2023 Engagement Letter with PwC and the

October 17, 2023 Attestation Report were provided with FPL's Supplemental Responses to Staff's Second Set of Data Requests Nos. 1-3 that were filed October 20, 2023 [DN 05732-2023].¹

3. OPC requested that it be permitted to inspect and review the PwC workpapers associated with PwC's independent examination of the incremental storm restoration costs incurred for Hurricane Ian. Upon mutual agreement among OPC, PwC, and FPL, the PwC workpapers were made available for in-person review/inspection on December 13, 2023.

4. The PwC workpapers associated with the October 17, 2023 Attestation Report are proprietary confidential information protected from public disclosure by Florida law. Specifically, the PwC workpapers include, but are not limited to: proprietary trade secrets regarding PwC's methodologies and procedures; and proprietary information relating to competitive interests, the disclosure of which would impair the competitive business of PwC. Such information is proprietary confidential business information under Section 366.093(3), Florida Statutes, and exempt from the Public Records Act.

5. Further, public disclosure of this information would impair PwC's economic interests, and would adversely affect the economic interests of FPL and its customers in that outside services firms could be disincentivized from performing similar work for FPL in the future.

6. With respect to a utility allowing OPC to inspect or take possession of the confidential information, Rule 25-22.006(6)(c), Florida Administrative Code, provides as follows:

When a utility or other person agrees to allow Public Counsel to inspect or take possession of utility information for the purpose of determining what information is to be used in a proceeding before the Commission, the utility may request a temporary protective order exempting the information from Section 119.07(1), F.S. If the information is to be used in a proceeding before the Commission,

¹ The July 14, 2023 Engagement Letter and the October 17, 2023 Attestation Report are both non-confidential and have been filed in this docket. *See also* Exhibits KF-4 and KF-5 attached to the Direct Testimony of FPL witness Keith Ferguson filed on November 17, 2023 [DN 06108-2023].

then the utility must file a specific request for a protective order If the information is not to be used in a proceeding before the Commission, then Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

7. Consistent therewith, FPL respectfully requests that the Commission enter a temporary protective order to preserve the confidentiality of the PwC workpapers, while allowing OPC to review and use these confidential materials in the preparation of their case. FPL will work cooperatively with the parties to this proceeding to identify confidential information to be used at the final hearing in this docket and, to the extent necessary and appropriate, FPL will file a request(s) for confidential classification.

WHEREFORE, for the foregoing reasons, FPL respectfully requests that the Commission enter a temporary protective order protecting against public disclosure the confidential information contained in the PwC workpapers as described herein and made available to OPC.

Respectfully submitted this 5th day of January 2024.

By: s/ Christopher T. Wright
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copies of the foregoing have been furnished by Electronic Mail to the following parties of record this 5th day of January 2024:

<p>Shaw Stiller Daniel Dose Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399 ddose@psc.state.fl.us sstiller@psc.state.fl.us <i>For Commission Staff</i></p>	<p>Office of Public Counsel Patricia A. Christensen c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 rehwinkel.charles@leg.state.fl.us christensen.patty@leg.state.fl.us <i>For Office of Public Counsel</i></p>
<p>Stephanie U. Eaton Florida Bar No.: 165610 SPILMAN THOMAS & BATTLE, PLLC 110 Oakwood Drive, Suite 500 Winston-Salem, NC 27103 seaton@spilmanlaw.com <i>For Walmart Inc.</i></p>	<p>Derrick Price Williamson Steven W. Lee SPILMAN THOMAS & BATTLE, PLLC 1100 Bent Creek Boulevard, Suite 101 Mechanicsburg, PA 17050 dwilliamson@spilmanlaw.com slee@spilmanlaw.com <i>For Walmart Inc.</i></p>

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