



Joel T. Baker
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January 25, 2024

- VIA HAND DELIVERY -

Mr. Adam Teitzman
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

REDACTED

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COMMISSION CLERK

**Re: Docket No. 20230017-EI
Petition for Limited Proceeding for Recovery of Incremental Storm
Restoration Costs Related to Hurricanes Ian and Nicole, by Florida Power &
Light Company**

Dear Mr. Teitzman:

I enclose for filing Florida Power & Light Company's ("FPL") Request for Confidential Classification of information provided in FPL's responses to the Office of Public Counsel's First Request for Production of Documents Nos. 6 and 25, which are being served contemporaneously with this Request in Docket No. 20230017-EI.

The enclosed filing includes Exhibits A, B, C, and D. Exhibit A consists of a copy of the Confidential Documents, in which all the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B consists of summary pages that identify the Confidential Documents, which are entitled to confidential treatment in their entirety. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains the declaration in support of FPL's filing.

Please contact me if you or your Staff has any questions regarding this filing at (561) 691-7255 or joel.baker@fpl.com.

Sincerely,

/s/ Joel T. Baker
Joel T. Baker
Fla. Bar No. 0108202

COM _____
AFD I Exh "B"
APA _____
ECO _____
ENG _____
GCL _____
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CLK _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Date: January 25, 2024

FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED IN ITS RESPONSES TO THE OFFICE OF PUBLIC COUNSEL'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 6, 25)

Pursuant to Section 366.093, Florida Statutes ("F.S."), and Rule 25-22.006, Florida Administrative Code ("F.A.C."), Florida Power & Light Company ("FPL") hereby requests confidential classification of certain documents and information provided in its responses to the Office of Public Counsel's ("OPC") First Request for Production of Documents, Nos. 6 and 25 ("Confidential Information"). In support of its request, FPL states as follows:

1. FPL served its responses to OPC's First Request for Production of Documents on January 25, 2024. Consistent with Rule 25-22.006, F.A.C., this Request is being filed contemporaneously with the service of those responses to request confidential classification of certain information contained in FPL's response to OPC's First Request for Production of Documents, Nos. 6 and 25.

2. The following exhibits are attached to and made a part of this Request:

- a. Exhibit A consists of a copy of the confidential document on which all the information that FPL asserts is entitled to confidential treatment has been highlighted.
- b. Exhibit B consists of summary pages that identify the Confidential Documents, which are entitled to confidential treatment in their entirety.

- c. Exhibit C is a table that identifies the information in Exhibit A and references the specific statutory basis for the claim of confidentiality and identifies the Declarant who supports the requested classification.
- d. Exhibit D consists of the declaration of Molly Carty in support of this Request.

3. FPL submits that the information in Exhibit A is proprietary and confidential business information, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, F.S., 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.

4. As described in the declaration in Exhibit D, the confidential business information includes information relating to bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms. This information is protected by Section 366.093(3)(d), F.S. The confidential business information further includes information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. This information is protected by Section 366.093(3)(e), F.S.

5. Upon a finding by the Commission that the information contained in the Confidential Documents is proprietary and confidential business information, the information should not be declassified for at least eighteen (18) month period and should be returned to FPL

as soon as it is no longer necessary for the Commission to conduct its business. *See* Section 366.093(4), F.S.

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 this 25th day of January 2024.

Joel T. Baker
Principal Attorney
Joel.Baker@fpl.com
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 691-7255
Facsimile: (561) 691-7135

/s/ Joel T. Baker

Joel T. Baker
Fla. Bar No. 0108202

CERTIFICATE OF SERVICE

20230017-EI

I HEREBY CERTIFY that a true and correct copies of the foregoing have been furnished to the following parties of record this 25th 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 the 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>

/s/ Joel T. Baker _____

Joel T. Baker
Fla. Bar No. 0108202

Attorney for Florida Power & Light Company

EXHIBIT B

REDACTED

The confidential documents responsive to OPC's First Request for Production of Documents No. 6, Bates No. 000001-000045, are confidential in their entirety.

The confidential documents responsive to OPC's First Request for Production of Documents No. 6, Bates No. 000046, are confidential in their entirety.

The confidential documents responsive to OPC's First Request for Production of Documents No. 25, Bates No. 000047-000071, are confidential in their entirety.

The confidential documents responsive to OPC's First Request for Production of Documents No. 25, Bates No. 000072-000086, are confidential in their entirety.

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: 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
DATE: January 25, 2024

Document Description	POD No.	No. of Pages	Conf. Y/N	Bates Nos.	Line / Column	Florida Statute 366.093(3) Subsection	Declarant
Instructions to Bidders	6	45	Y	000001 – 000045	All	(d), (e)	Molly Carty
Emergency Procurements	6	1	Y	000046	All	(d), (e)	Molly Carty
Vegetation Management Storm Restoration Handbook	25	25	Y	000047 - 000071	All	(d), (e)	Molly Carty
Statement of Work	25	15	Y	000072 – 000086	All	(d), (e)	Molly Carty

EXHIBIT D

DECLARATIONS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

WRITTEN DECLARATION OF MOLLY CARTY

1. My name is Molly Carty. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Compliance and Support Services for FPL's Supply Chain business unit. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A FPL's Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business 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. The documents also contain information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. To the best of my knowledge, FPL has maintained the confidentiality of this information.

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

Molly Carty
Molly Carty

Date: Jan 24, 2024