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July 11, 2024

**-VIA HAND DELIVERY-**

Adam Teitzman  
Division of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**REDACTED**

2024 JUL 12 AM 10:54  
RECEIVED-FPSC  
COMMISSION CLERK

**Re: Docket No. 20240001-EI**

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information Provided in Response to Florida Public Service Commission Staff's Third Request for Production of Documents (No.5). The request includes Exhibits A, B (two copies), C, and D.

Exhibit A consists of a copy of the confidential material on which all the information that FPL asserts is entitled to confidential treatment has been highlighted. Because the documents in Exhibit A are entirely confidential, FPL has included only identifying cover pages in Exhibit B. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains the declarations in support of FPL's request.

If there are any questions regarding this transmittal, please contact me at (561) 304-5795.

Sincerely,

Maria Jose Moncada

COM  
AFD I redacted exh "B"  
APA  
ECO  
ENG  
GCL  
IDM  
CLK

Attachments

cc: Counsel for Parties of Record (w/ attachments)

Florida Power & Light Company

700 Universe Boulevard, Juno Beach, FL 33408

:22235149

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power cost recovery clause  
with generating performance incentive factor.

Docket No. 20240001-EI

Filed: July 11, 2024

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED IN RESPONSE TO FLORIDA PUBLIC SERVICE COMMISSION  
STAFF'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS (No. 5)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided in response to Florida Public Service Commission Staff's Third Request for Production of Documents (No.5) ("Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. On June 11, 2024, Staff served its Third Request for Production on FPL. FPL's Response to Staff's Third Request for Production (No. 5) contains information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its responses to Staff's Third Request for Production on July 11, 2024. This request is being filed contemporaneously with the service of the responses to Staff's discovery to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

3. The following exhibits are included with and made a part of this request:

a. Exhibit A consists of a copy of the confidential material on which all the information that FPL asserts is entitled to confidential treatment has been highlighted.

b. As Exhibit A is confidential in its entirety, Exhibit B consists of only identifying cover pages with all confidential information removed.

c. Exhibit C is a table identifying the information contained in Exhibit A and a brief description of the Confidential Information. Exhibit C also references the specific statutory bases for the claim of confidentiality and identifies the declarant who supports the requested classification.

d. Exhibit D is the declaration of Andrew W. Whitley in support of this Request.

4. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. 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 determined 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. As the description included in Exhibit C and the declaration included in Exhibit D indicate, the Confidential Discovery Responses provided by FPL contain information concerning information relating to competitive interests of FPL or its vendors, the disclosure of which would impair the competitive business of FPL. This information is protected by Section 366.093(3)(e), Fla. Stat.

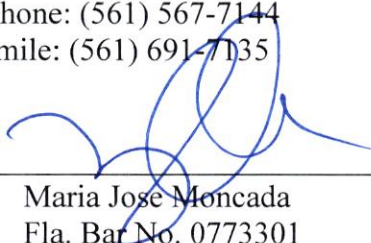
6. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

**WHEREFORE**, for the reasons above, as more fully set forth in the supporting materials and declaration, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

Maria Jose Moncada  
Assistant General Counsel  
William P. Cox  
Senior Counsel  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 567-7144  
Facsimile: (561) 691-7135

By: \_\_\_\_\_

  
Maria Jose Moncada  
Fla. Bar No. 0773301

**CERTIFICATE OF SERVICE**  
**DOCKET 20240001-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished  
by electronic service on this 11th day of July 2024 to the following:

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By: \_\_\_\_\_

  
Maria Jose Moncada  
Fla. Bar No. 0773301

# **Exhibit**

# **B**

FPL's response to  
Staff's 3rd Request for Production, No. 5:

Bates Nos. FCR-24-000248 through FCR-  
24-000249 are confidential in their entirety.



# **Exhibit**

# **C**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET TITLE:** In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.  
**DOCKET NO.:** 20240001-EI

<b>Staff's Third Request for Production of Documents No. 5</b>			
<b>Description</b>	<b>Page/Line/ Column</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Declarant</b>
CO <sub>2</sub> Price Forecast	Pages 2-3 (all)	(e)	Andrew W. Whitley

# **Exhibit**

# **D**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power cost recovery clause  
with generating performance incentive factor.

Docket No. 20240001-EI

**DECLARATION OF ANDREW W. WHITLEY**

1. My name is Andrew W. Whitley. I am currently employed by Florida Power & Light Company ("FPL") as Engineering Manager, Finance. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents that FPL seeks to have protected contains information relating to competitive interests, the disclosure of which would impair the competitive business of FPL and its vendor. Specifically, the documents contain price forecasts for carbon dioxide emissions, which were provided to FPL by a third-party vendor and are proprietary to that vendor.

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.



Andrew W. Whitley

Date: 07/09/2024