

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Florida Power & Light Company's  
Petition To Determine Need for Modernization  
of Port Everglades Plant

Docket No: 110309-EI

Date: July 17, 2013

**FLORIDA POWER AND LIGHT COMPANY'S FIRST REQUEST FOR EXTENSION  
OF CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED PURSUANT  
TO STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 2 AND 5)**

Pursuant to Section 366.093, Florida Statutes (2012) ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its First Request for Extension of Confidential Classification of Information Provided Pursuant to Staff's First Request for Production of Documents (Nos. 2 and 5) ("Confidential Information").

In support of this request, FPL states as follows:

1. On January 17, 2012 FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C, and D ("January 17, 2002 Request"). By Order No. PSC-12-0033-CFO-EI, dated January 23, 2012 ("Order 0033"), the Commission granted FPL's January 17, 2002 Request. FPL adopts and incorporates by reference the January 17, 2002 Request and Order 0033.

2. The period of confidential treatment granted by Order 0033 will soon expire. The Confidential Information that was the subject of FPL's January 17, 2002 Request and Order 0033 consists of confidential business information and thus warrants continued treatment as proprietary within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its Request for Extension of Confidential Classification.

3. Included herewith and made a part hereof is Fourth Revised Exhibit D, which consists of the affidavit of Dr. Rosemary Morley in support of this request. All of the information designated in Exhibit A, Exhibit B and Exhibit C to the January 17, 2012 Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached here.

4. 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.

5. As the affidavit included in Exhibit D indicates, the Confidential Information consists of information related to forecast data provided pursuant to FPL's contract with a third party vendor that expressly prohibits FPL from disclosing the subject data. Thus, disclosure of this information would impair FPL's efforts to contract for these goods and services on favorable terms in the future. Such information is protected by Sections 366.093(3)(d) and (e).

6. Nothing has changed since the Commission entered Order 0033 to render the Confidential Information public, such that continued confidential treatment would not be appropriate.

7. Thus, upon a finding by the Commission that the Confidential Information remains proprietary and confidential, 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. (2012).

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavits included herewith, Florida Power & Light Company

respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

John T. Butler  
Assistant General Counsel - Regulatory  
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Florida Power & Light Company  
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By: s/ Maria J. Moncada  
Maria J. Moncada  
Florida Bar No. 0773301

**CERTIFICATE OF SERVICE**  
**Docket No. 110309-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing First Request for Confidential Classification was served by electronic mail this 17th day of July, 2013 to the following:

Charles Murphy, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
cmurphy@psc.state.fl.us

Jon C. Moyle, Esq.  
The Moyle Law Firm, P.A.  
118 N. Gadsden Street  
Tallahassee, FL 32301  
jmoyle@moylelaw.com  
Attorney for FIPUG

By: s/ Maria J. Moncada  
Maria J. Moncada  
Florida Bar No. 0773301

# EXHIBIT D

**EXHIBIT D**

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Modernization of Port Everglades Plant

Docket No. 110309-EI

STATE OF FLORIDA )  
PALM BEACH COUNTY )

**AFFIDAVIT OF ROSEMARY MORLEY**

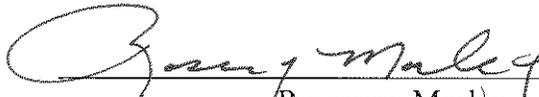
**BEFORE ME**, the undersigned authority, personally appeared Rosemary Morley who, being first duly sworn, deposes and says:

1. My name is Rosemary Morley. I am currently employed by Florida Power & Light Company ("FPL") as Director of Load Forecasting and Analysis. My business address is 700 Universe Blvd, Juno Beach, FL, 33408. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C, and the documents that were included in Exhibit A to FPL's Notice of Intent to Request Confidential Classification of Responses to Staffs First Request for Production of Documents Nos. 2 and 5 (filed on January 17), for which I am identified on Exhibit C as the affiant. The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information contain or constitute forecast data provided pursuant to FPL's contract with a third party vendor, Global Insight (USA), Inc. ("Global Insight"), that expressly prohibits FPL from disclosing the subject data. Thus, disclosure of this information would impair FPL's efforts to contract for these goods or services on favorable terms in the future. The documents or materials also contain or constitute Global Insight's proprietary forecast information. Thus, disclosure would impair Global Insight's competitive business. The data supplied pursuant to the contract, which FPL identified on Exhibit C, are considered and treated as confidential by the parties.

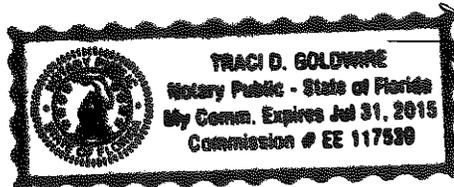
3. No significant changes have occurred since the issuance of Order No. PSC-12-0033-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of no less than eighteen months. These materials 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. Affiant says nothing further.

  
\_\_\_\_\_  
Rosemary Morley

**SWORN TO AND SUBSCRIBED** before me this 15<sup>th</sup> day of July, 2013, by Rosemary Morley, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.

My Commission Expires



  
\_\_\_\_\_  
Notary Public, State of Florida