

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost)
Recovery Clause)

Docket No. 160009-EI
Filed: December 13, 2016

**FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION OF PORTIONS OF EXHIBIT SDS-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests continued confidential classification of portions of Exhibit SDS-1, which was attached to the prefiled testimony of FPL witness Steven D. Scroggs. In support of its request, FPL states as follows:

1. On March 2, 2015, in Docket No. 150009-EI, FPL filed a Request for Confidential Classification of portions of Exhibit SDS-1 (Confidential Document No. 01215-15). FPL's request was granted by Order No. PSC-15-0251-CFO-EI, issued June 24, 2015. The period of confidential treatment granted by Order No. PSC-15-0251-CFO-EI will soon expire. FPL has reviewed the confidential documents and determined that all the information that was the subject of Order No. PSC-15-0251-CFO-EI warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes.

2. FPL hereby submits its First Request for Extension of Confidential Classification. Exhibits A and B from FPL's March 2, 2015 filing are incorporated herein by reference. Included herewith are First Revised Exhibit C and First Revised Exhibit D.

3. First Revised Exhibit C is a table containing the specific line, column and page references to the confidential information, and references to the specific statutory basis or bases for the claim of confidentiality and to the affidavit in support of the continued confidential classification.

4. First Revised Exhibit D contains the declaration of Steven D. Scroggs in support of FPL's request.

5. The information that was granted confidential treatment by Order No. PSC-15-0251-CFO-EI continues to be 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 in that the disclosure of the information would cause harm to customers or FPL's business operations, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and it is 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 declaration in First Revised Exhibit D indicates, the information included in Exhibit A, filed March 2, 2015 continues to be proprietary, confidential business information. The document contains information related to bids or contractual data, such as pricing or other terms, the public disclosure of which would violate nondisclosure provisions of FPL's contracts with certain vendors and impair FPL's ability to contract for goods or services on favorable terms in the future. This information is protected from public disclosure by Section 366.093(3)(d), Florida Statutes.

6. Exhibit A also contains competitively sensitive information which, if disclosed, could impair the competitive interests of the provider of the information. This information is protected from public disclosure by Section 366.093(3)(e), Florida Statutes.

7. Nothing has changed since the issuance of Order No. PSC-15-0251-CFO-EI to render the confidential information stale or public, such that continued confidential treatment would not be appropriate. Moreover, this information will remain confidential for a period longer than the 18 months typically provided for confidential treatment, and it is anticipated that Staff will retain these documents for more than 18 months. Accordingly, FPL requests that confidential treatment be extended for a period of not less than five years. The Commission has previously granted similar requests for extended periods of confidential treatment. *See, e.g.*, Docket No. 140009-EI, Order No. PSC-14-0649-CFO-EI, p. 2 (issued Nov. 4, 2014).

6. Upon a finding by the Commission that the information referenced in First Revised Exhibit C continues to be proprietary confidential business information, the information should not be declassified for a period of at least an additional five years and should be returned to FPL as soon as the information 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 supported by the materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

Kevin I.C. Donaldson
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By: /s/ Kevin I.C. Donaldson
Kevin I.C. Donaldson
Fla. Bar No. 833401

**CERTIFICATE OF SERVICE
DOCKET NO. 160009-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing First Request for Extension of Confidential Classification of Exhibit SDS-1* was served by electronic mail this 13th day of December, 2016 to the following:

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By: /s/ Kevin I.C. Donaldson
Kevin I.C. Donaldson
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*Exhibits are not included with the service copies, but Revised Exhibits C and D are available upon request.

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**FIRST REVISED
EXHIBIT C**

JUSTIFICATION TABLE

First Revised Exhibit C

Company: Florida Power and Light Company
Title: List of Confidential Documents Included in FPL's March 2, 2015 True-Up Filing
Docket No.: 160009-EI

Document	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Declarant
1	2014 Schedule T-7A Pre-Construction Costs and Carrying Costs, New Nuclear (Exhibit SDS-1)	1	Y	Page 24 Lines 1-22 Columns E-H	(d), (e)	Steven D. Scroggs
2	2014 Schedule T-7B Pre-Construction Costs and Carrying Costs, New Nuclear (Exhibit SDS-1)	1	Y	Page 25 Lines 2-10 Column A	(d), (e)	Steven D. Scroggs

FIRST REVISED

EXHIBIT D

DECLARATION

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost)
Recovery Clause)

DOCKET NO. 160009-EI

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

DECLARATION OF STEVEN D. SCROGGS

1. My name is Steven D. Scroggs. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Project Development. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed First Revised Exhibit C and the documents that are included in FPL's First Request for Extension of Confidential Classification of Exhibit SDS-1, for which I am identified on First Revised Exhibit C as the declarant. The documents that I have reviewed contain proprietary confidential business information, including information concerning bids or contractual data. Disclosure of this information would violate FPL's contracts with its vendors, work to the detriment of FPL's competitive interests, impair the competitive interests of its vendors and/or impair FPL's efforts to enter into contracts on commercially favorable terms.

3. Consistent with the provisions of the Florida Administrative Code, such documents should remain confidential for a period of not less than 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. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

5. Nothing has occurred since the issuance of Order No. PSC-15-0251-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 at least an additional 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.

6. 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.


STEVEN D. SCROGGS

Date: 12-07-2016