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November 3, 2017

**VIA HAND DELIVERY**

Ms. Carlotta S. Stauffer  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**Re: Docket No. 2017 \_\_\_\_\_-EI**  
**In re: Florida Power & Light Company's Petition to Charge**  
**FPL Rates to Former City of Vero Beach Customers**

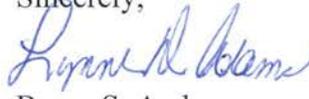
Dear Ms. Stauffer:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of certain information contained in the prepared testimony of FPL Witness David Herr (DH-3). The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. 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 Request for Confidential Classification.

Please contact me if you have or your Staff has any questions regarding this filing.

Sincerely,

  
for Bryan S. Anderson

Enclosure

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2017 NOV -3 PM 3:12  
COMMISSION  
CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's  
Petition to Charge FPL Rates to Former City of  
Vero Beach Customers

Docket No: 2017\_\_\_\_\_ -EI

Date: November 3, 2017

**FLORIDA POWER AND LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

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 contained in the prepared testimony of FPL witness David Herr (DH-3) in this proceeding. In support of its Request, FPL states as follows:

1. On November 2, 2017, FPL filed the testimony of FPL witness David Herr in support of FPL's Petition to Charge FPL Rates to Former City of Vero Beach Customers. Exhibit DH-3 to the testimony of David Herr contains confidential information. Pursuant to Rule 25-22.006 FPL files this Request for Confidential Classification.

2. The following exhibits are included with this Request:

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

b. Exhibit B consists of pages identifying the title of the exhibit and noting that the contents are confidential. Because FPL seeks confidential classification of the exhibit in its entirety, no purpose would be served by reproducing a full redacted version.

c. Exhibit C is a table that identifies the specific statutory bases for the claim of confidentiality and to the declarant who supports the requested classification.

d. Exhibit D is contains the declaration of David Herr in support of this Request for Confidential Classification.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S. 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 hard of disclosure against the public interest in access to the information.

4. As the declaration included as Exhibit D indicates, some of the information provided by FPL contains information concerning trade secrets. This information is protected by Section 366.093(3)(a), Fla. Stat.

5. Additionally, certain documents contain information relating to competitive interests, the disclosure of which would impair the competitive business of FPL and/or Duff & Phelps. This information is protected by Section 366.093(3)(e), Fla. Stat.

6. Exhibit DH-3 contains information is related to the competitive interests of Duff & Phelps, Inc., an independent valuation consultant. Exhibit DH-3 consists of a highly detailed valuation assessment prepared by Duff & Phelps, which, if disclosed, would reveal the proprietary methodology that Duff & Phelps employs in performing valuations. Such public disclosure would impair the competitive businesses of Duff & Phelps.

7. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within Section 366.093(3), such information should not be declassified for at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. § 366.093(4), Fla. Stat.

**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 Request for Confidential Classification be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Vice President and General Counsel  
Bryan S. Anderson  
Assistant General Counsel – Regulatory  
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Facsimile: (561) 691-7135

By:   
fox Bryan S. Anderson  
Florida Authorized House Counsel 104154

# Exhibit B

# **EXHIBIT DH-3**

**Valuation of City of Vero  
Beach Report and Exhibits  
Pages 1-59**

**IS CONFIDENTIAL IN  
ITS ENTIRETY**

# **EXHIBIT DH-3**

## **Valuation of City of Vero Beach Report and Exhibits Pages 1-59**

**IS CONFIDENTIAL IN  
ITS ENTIRETY**

# Exhibit C

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Exhibit  
**DOCKET TITLE:** City of Vero Beach Acquisition  
**DOCKET NO.:** 2017\_\_\_\_\_  
**DATE:** November 3, 2017

<b>Description</b>	<b>No. of Pages</b>	<b>Conf. Y/N</b>	<b>Line / Column</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Declarant</b>
Exhibit DH-3 – Valuation of COVB Report and Exhibits	59	Y	ALL	(a), (e)	David Herr

# Exhibit D

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's  
Petition to Charge FPL Rates to Former City of  
Vero Beach Customers

Docket No: 2017-\_\_\_\_\_-EI

**DECLARATION OF DAVID HERR**

1. My name is David Herr. I am currently employed by Duff & Phelps LLC as Managing Director, the Philadelphia City Leader, and the Energy and Mining Industry leader. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed and have personal knowledge about Exhibit DH-3, included in Exhibit A to FPL's Request for Confidential Classification. Exhibit DH-3 is the valuation of the tangible and intangible assets of the City of Vero Beach Electric Utility which was performed by Duff & Phelps, Inc. This highly detailed valuation report identifies with specificity the proprietary methodology that Duff & Phelps employs in performing such valuations. Accordingly, public disclosure would impair the competitive businesses of Duff & Phelps and therefore should be treated confidentially. To the best of my knowledge, FPL and Duff & Phelps have maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of eighteen (18) months. In addition, the 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. 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.

  
\_\_\_\_\_  
DAVID HERR

Date: October 31, 2017