

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost)
Recovery Clause)

Docket No. 20170009-EI
Filed: December 6, 2017

**FLORIDA POWER & LIGHT COMPANY'S
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF AUDIT 11-024-4-1 WORK PAPERS**

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 certain material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 11-024-4-1 ("the Audit") and reflected in Staff's work papers. In support of its request, FPL states as follows:

1. On December 9, 2015, in Docket No. 150009-EI, FPL filed its First Request for Extension of Confidential Classification of the Audit work papers (Confidential Document No. 04051-11). By Order No. PSC-16-0220-CFO-EI, issued June 6, 2016, the Commission granted FPL's request. The period of confidential treatment granted by Order No. PSC-16-0220-CFO-EI will soon expire. FPL has determined that all the information that was the subject of Order No. PSC-16-0220-CFO-EI warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification. Exhibits A and B from FPL's June 13, 2011 filing are incorporated herein by reference. Revised Exhibit C from FPL's December 9, 2015 filing is incorporated herein by reference. Included herewith is Second Revised Exhibit D.

2. 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 declaration in support of the continued confidential

classification. Second Revised Exhibit D includes the declarations of Brenda Thompson and Antonio Maceo in support of FPL's request.

3. The information that was granted confidential treatment by Order No. PSC-16-0220-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.

4. As the declarations included in Second Revised Exhibit D indicate, the information included in Exhibit A continues to be proprietary, confidential business information. Certain information contained in the Audit work papers is information related to reports of internal auditors. This information is protected by Section 366.093(3)(b), Florida Statutes. The work papers also contain 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. For example, copies of contracts and contractor billing rates are included in these materials. Such information is protected from public disclosure by Section 366.093(3)(d), Florida Statutes. This contractual information, as well as information related to FPL's tax returns and other information belonging to NextEra Energy Resources, is also competitively

sensitive. If disclosed, this information could impair the competitive interests of the provider of the information. Such information is protected by Section 366.093(3)(e), Florida Statutes. Additionally, some of documents include competitively sensitive information related to certain employees' compensation. Public disclosure of compensation information would enable competing employers to meet or beat the compensation currently offered, resulting in the loss of talented employees, or conversely, the need to increase the level of compensation already paid in order to retain these employees and attract new talent. The quality of service and the cost of service implications would be detrimental to FPL and its customers. Such information is also protected by Section 366.093(3)(e), Florida Statutes. Lastly, included on these documents is employee social security numbers. This employee information is unrelated to compensation, duties, qualifications, or responsibilities and is therefore protected from public disclosure pursuant to Section 366.093(3)(f), Florida Statutes.

5. Nothing has changed since the issuance of Order No. PSC-16-0220-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 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 declarations included herewith, Florida Power & Light Company respectfully requests that its Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: *s/ Kevin I.C. Donaldson*
Kevin I.C. Donaldson
Fla. Bar No. 0833401

**CERTIFICATE OF SERVICE
DOCKET NO. 20170009-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing Second Request for Extension of Confidential Classification of Audit 11-024-4-1 Work Papers* was served by electronic mail this 6th day of December, 2017 to the following:

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By: s/ Kevin I.C. Donaldson
Kevin I.C. Donaldson
Fla. Bar No. 00833401

*Exhibits are not included with the service copies, but Second Revised Exhibit D is available upon request.

SECOND REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost)
Recovery Clause)

DOCKET NO. 20170009-EI

STATE OF FLORIDA)
)

**DECLARATION OF BRENDA
THOMPSON**

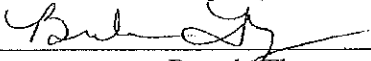
PALM BEACH COUNTY)

1. My name is Brenda Thompson. I am currently employed by Florida Power & Light Company as Nuclear Project Controls and Scheduling Leader. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed the documents that are the subject of FPL's Second Request for Extension of Confidential Classification of Audit 11-024-4-1 Work Papers, for which I am identified on Revised Exhibit C as the declarant. The documents and materials that I have reviewed contain proprietary confidential business information, including contractual data and competitively sensitive 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. Additionally, these materials contain competitively sensitive information related to certain employees' compensation. Public disclosure of compensation information would enable competing employers to meet or beat the compensation offered by FPL, resulting in the loss of talented employees, or conversely, the need to increase the level of compensation already paid in order to retain these employees and attract new talent. The quality of service and the cost of service implications would be detrimental to FPL and its customers. These documents also contain competitively sensitive information reflected in FPL's tax returns and related to NextEra Energy Resource's cost structure which, if publicly disclosed, could harm NextEra Energy Resource's competitive interests. Finally, these documents include employee social security numbers, which FPL has a duty to maintain as confidential. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC-16-0220-CFO-EI to render the information identified in Revised Exhibit C stale or public such that continued confidential treatment would not be appropriate. Additionally, this information will continue to be confidential for more than the next 18 months. Accordingly, this information should continue to be maintained as confidential for an additional period of not less than five years. 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. 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.



Brenda Thompson

Date: 12/6/17

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost)
Recovery Clause)

DOCKET NO. 20170009-EI

STATE OF FLORIDA)
)

DECLARATION OF ANTONIO
MACEO

MIAMI-DADE COUNTY)

1. My name is Antonio Maceo. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Auditing. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed the documents that are the subject of FPL's Second Request for Extension of Confidential Classification of Audit 11-024-4-1 Work Papers, for which I am identified on Revised Exhibit C as the declarant. The documents that I have reviewed contain information related to reports of internal auditors. Full and frank disclosure of information to the Internal Auditing department is essential for the department to fulfill its role, and the confidential status of internal auditing scope, process, findings, and reports supports such disclosure. The release of information related to reports of internal auditors would be harmful to FPL and its customers because it may affect the effectiveness of the Internal Auditing department itself. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC-16-0220-CFO-EI to render the information identified in Revised Exhibit C stale or public such that continued confidential treatment would not be appropriate. Additionally, this information will continue to be confidential for more than the next 18 months. Accordingly, this information should continue to be maintained as confidential for an additional period of not less than five years. 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. 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.



Antonio Maceo

Date: 12/6/17