

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for
Dania Beach Clean Energy Center Unit 7,
by Florida Power & Light Company

DOCKET NO. 20170225-EI

DATE: January 3, 2018

**SIERRA CLUB'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
INFORMATION PROVIDED IN RESPONSE TO FLORIDA POWER & LIGHT
COMPANY'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (Nos. 2-7)
AND DEPOSITION DUCES TECUM OF DR. EZRA HAUSMAN**

Pursuant to the November 6, 2017, Order Establishing Procedure, Order No. PSC-2017-0426-PCO-EI (the "OEP"), Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Sierra Club requests confidential classification of portions of two documents provided to Florida Power & Light Company ("FPL") in response to their Second Request for Production of Documents and request for documents accompanying the notice of deposition duces tecum of Dr. Ezra Hausman on the following grounds:

1. On December 5, 2017, FPL served its Second Request for Production of Documents on Sierra Club and on December 7, 2017, FPL gave notice of taking deposition duces tecum of Dr. Ezra Hausman, which requested deponent bring certain documents. Following initial productions in response to these requests and discussion with FPL counsel, Sierra Club has agreed to supplement its responses to these requests with materials that include confidential information of a type enumerated in Section 366.093(3), Florida Statutes.
2. Sierra Club provided redacted copies of these two documents to FPL and mailed a compact disc containing the redacted confidential information to FPL on January 2, 2018, the same day Sierra Club submitted this request for confidential classification to the

Commission Clerk, as provided in the OEP and Rule 25-22.006, Florida Administrative Code.

3. Sierra Club includes Exhibits A and B as part of this request. Exhibit A is non-redacted versions of the two documents with confidential portions highlighted and has been sent on a compact disk to the Commission Clerk. Exhibit B is redacted versions.
4. Sierra Club requests confidential classification of proprietary confidential business information, seeking protection analogous to those provided for public utilities under Section 366.093(3)(d), Florida Statutes, which protects “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.”
5. Sierra Club asserts that the highlighted information in Exhibit A contains proprietary details of Sierra Club’s contract with its expert witness and that its disclosure would undermine future efforts by it and by its expert witness to effectively negotiate for favorable terms in future transactions with other entities.
6. Sierra Club affirms that the highlighted material for which confidential classification is sought is intended to be private; is treated by Sierra Club as private; and has not been disclosed. Rule 25-22.006, Florida Administrative Code.
7. Sierra Club requests that, if the Commission finds that these documents contain confidential information as sought, the Commission set an effective period of 18 months and orders the return of the records from all parties when these records are no longer necessary for the commission to conduct its business. Section 366.093(4), Florida Statutes.

Wherefore, Sierra Club respectfully requests that the Commission grant its Request for Confidential Classification.

Respectfully submitted this 3rd day of January, 2018.

/s/ Julie Kaplan

Julie Kaplan
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Qualified Representative for Sierra Club

CERTIFICATE OF SERVICE

Docket No. 20170225-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 3rd day of January, 2018, to the following. A copy including the confidential information has been furnished to the Commission Clerk alone.

Florida Power & Light Company
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/s/ Julie Kaplan

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Qualified Representative for Sierra Club

Exhibit B

SIERRA CLUB TASK ORDER

(for use with Master Service or IC Agreement)

Date Executed: 11/1/2017

Project Name: Dania Beach Need Determination Expert Testimony

Task Order #: ELP125

Not to Exceed Amount: \$25,000

Payment Terms: Invoices billed and paid monthly. NOTE: Invoices must be billed monthly to ensure timely payment.

Please reference: CL1034 when invoicing

Timeline: see below

Deliverable:

Dr. Hausman will review FPL's petition and testimony supporting its need determination position for its proposed new combined cycle gas plant in Dania Beach.

[REDACTED]

[REDACTED]

Once the Florida PSC issues its scheduling order, Sierra Club attorneys will develop a timeline for completion of the tasks described above.

[REDACTED]

Tasks (and estimated timeline):

[REDACTED]

Project Team:

Dr. Ezra Hausman

Julie Kaplan (Sierra Club)

Budget: (Please identify staff assigned, rate x hours dedicated to effort)

113.6 hours x \$220 = \$25,000

Sierra Club Obligations (if any):

Sierra Club will coordinate with Dr. Hausman [REDACTED]
[REDACTED]

This Task Order may be modified only upon mutual, written confirmation of parties.

For

For Sierra Club, Project Manager



Dr. Ezra Hausman

Date 11/1/2017



Julie Kaplan

ELP Attorney

Date 11/1/17

Elizabeth Litwin
Operations Manager

Date _____

SIERRA CLUB TASK ORDER

(for use with Master Service or IC Agreement)

Date Executed: 12/11/2017

Project Name: Dania Beach Need Determination Expert

Task Order #: ELP129

Not to Exceed Amount: \$17,000

Payment Terms: Invoices billed and paid monthly. NOTE: Invoices must be billed monthly to ensure timely payment.

Please reference: CL1034 when invoicing

Timeline: December, 2017 – January, 2018

Deliverable:

Dr. Hausman will continue to aid in FPL Dania Beach analysis. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Tasks and estimated timeline:

Depositions and trial preparation are likely to span from mid-December through late January.

Project Team:

Dr. Ezra Hausman
Julie Kaplan (Sierra Club)

Budget: (Please identify staff assigned, rate x hours dedicated to effort)


77.25 hours x \$220 = \$17,000

Sierra Club Obligations (if any):

Sierra Club will coordinate with Dr. Hausman on [REDACTED]
[REDACTED] Sierra Club will provide timely input on all tasks.

This Task Order may be modified only upon mutual, written confirmation of parties.

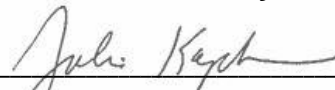
For Ezra Hausman Consulting



Dr. Ezra Hausman

Date 12/12/17

For Sierra Club, Project Manager



Julie Kaplan

ELP Attorney
Date 12/13/17

Elizabeth Litwin
Operations Manager
Date _____