



Kenneth M. Rubin  
Senior Counsel  
Florida Power & Light Company  
700 Universe Boulevard  
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E-mail: Ken.Rubin@fpl.com

August 30, 2018

**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

**REDACTED**

**Re: Docket No. 20170235-EI and Docket No. 20170236-EI**

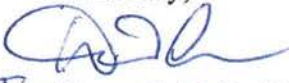
Dear Ms. Stauffer:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information Provided in Response to Florida Industrial Power Users Group First Set of Interrogatories (Nos. 1 & 2) and First Request for Production of Documents (Nos. 1 & 5). The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the confidential document, 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 declarations in support of FPL's request.

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

Sincerely,

  
For Kenneth M. Rubin

COMMISSION  
CLERK

2018 AUG 30 PM 2:43

RECEIVED-FPSC

Enclosure

cc: Counsel for Parties of Record (w/ copy of FPL's Request for Confidential Classification)

6816695

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by Florida Power & Light Company (FPL) for authority to charge FPL rates to former City of Vero Beach customers and for approval of FPL's accounting treatment for City of Vero Beach transaction.

Docket No. 20170235-EI

In re: Joint petition to terminate territorial agreement, by Florida Power & Light and the City of Vero Beach

Docket No. 20170236-EU

Filed: August 30, 2018

**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 provided in response to Florida Industrial Power Users Group's ("FIPUG) First Set of Interrogatories (Nos. 1 and 2) and First Request for Production of Documents (Nos. 1 and 5) ("Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. On August 10, 2018, FIPUG served its First Set of Interrogatories (Nos. 1-3) and First Request for Production of Documents (Nos. 1-7). FPL's response to FIPUG's First Set of Interrogatories (Nos. 1 and 2) and First Request for Production of Documents (Nos. 1 and 5) contain information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its responses to FIPUG's First Set of Interrogatories (Nos. 1-3) and First Request for Production of Documents (Nos. 1-7) on August 30, 2018. This request is being filed contemporaneously with the service of the responses to FIPUG's discovery in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

3. 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 contains the declarations of Tiffany C. Cohen, Scott Bores and David Herr in support of this Request.

4. 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.

5. 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.

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

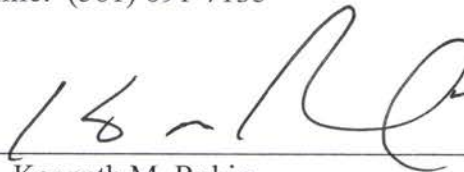
7. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information within Section 366.093(3), such information should not be declassified for at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary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

Kenneth M. Rubin  
Senior Counsel  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 691-2512  
Facsimile: (561) 691-7135

By: \_\_\_\_\_



Kenneth M. Rubin  
Florida Bar No. 349038

**CERTIFICATE OF SERVICE**  
**DOCKET NOS. 20170235-EI AND 20170236-EU**

I HEREBY CERTIFY that a true and correct copy of FPL's Request for Confidential Classification\* was served electronically this 30<sup>th</sup> day of August 2018, to the following:

Kathryn G. W. Cowdery, Esq.  
Jennifer Crawford, Esq.  
Charles Murphy, Esq.  
Office of General Counsel  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
kcowdery@psc.state.fl.us  
jcrawford@psc.state.fl.us  
cmurphy@psc.state.fl.us  
**Florida Public Service Commission**

J. R. Kelly, Esq.  
Stephanie Morse, Esq.  
Charles Rehwinkel, Esq.  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399  
kelly.jr@leg.state.fl.us  
morse.stephanie@leg.state.fl.us  
Rehwinkel.charles@leg.state.fl.us  
**Office of Public Counsel**

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mwalls@carltonfields.com

James O'Connor  
1053 20th Place  
Vero Beach, FL 32961  
citymgr@covb.org  
**City of Vero Beach**

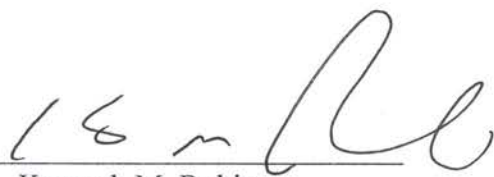
Lynne A. Larkin, Esq.  
5690 HWY A1A, #101  
Vero Beach, FL 32963  
lynnelarkin@bellsouth.net  
**Civic Association of Indian River County,  
Inc.**

Jon C. Moyle, Jr., Esq.  
Karen A. Putnal, Esq.  
Moyle Law Firm, P.A.  
118 North Gadsen Street  
Tallahassee, FL 32301  
jmoyle@moylelaw.com  
kputnal@moylelaw.com  
**Florida Industrial Power Users Group**

Brian T. Heady, Esq.  
406 19<sup>th</sup> Street  
Vero Beach, FL 32960  
brianheady@msn.com

Michael Moran  
P.O. Box 650222  
Vero Beach, FL 32965  
Mmoran@veronet.net

Dylan Reingold, County Attorney  
1801 27<sup>th</sup> Street – Building A  
Vero Beach, FL 32960  
dreingold@ircgov.com

By:   
Kenneth M. Rubin  
Florida Bar No. 349038

\* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**

**EXHIBIT B**

**REDACTED COPIES**

**FPL's response to  
FIPUGs 1st INT No. 1**

**Attachment No. 3; Tab FPL's LTPE; Bates No FPL  
000254**

**Attachment No. 7; Tab FPL's LTPE; Bates No. FPL  
002170**

**Attachment No. 8; Tab FPL's LTPE; Bates No. FPL  
002178**

**are confidential in their entirety**



**Confidential**  
**FIPUG 1st Set of INTs, No. 2**

**kWh Forecast**

Residential Sales (GWHs)

Total FPL Sales (GWHs)

% Energy Allocation

Total Net Customer (Savings)/ Costs (Source: SRB-2)

Residential 1,000 kWh per Month

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
Residential Sales (GWHs)	[REDACTED]											
Total FPL Sales (GWHs)	[REDACTED]											
% Energy Allocation	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53
Total Net Customer (Savings)/ Costs (Source: SRB-2)	(\$4.8)	(\$3.7)	(\$15.8)	(\$22.2)	(\$23.8)	(\$24.7)	(\$23.2)	(\$18.9)	(\$16.8)	(\$23.5)	(\$23.2)	(\$13.2)
Residential 1,000 kWh per Month	(\$0.04)	(\$0.03)	(\$0.14)	(\$0.20)	(\$0.21)	(\$0.22)	(\$0.20)	(\$0.16)	(\$0.14)	(\$0.20)	(\$0.19)	(\$0.11)

**Notes:**

1) Revenue Requirements are allocated on energy to illustrate bill changes. Base rate changes will otherwise be determined during the next rate case proceeding.

<u>2031</u>	<u>2032</u>	<u>2033</u>	<u>2034</u>	<u>2035</u>	<u>2036</u>	<u>2037</u>	<u>2038</u>	<u>2039</u>	<u>2040</u>	<u>2041</u>	<u>2042</u>	<u>2043</u>	<u>2044</u>	<u>2045</u>	<u>2046</u>	<u>2047</u>	<u>2048</u>
0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.54	0.54	0.54	0.54	0.54	0.54	0.54
(\$7.0)	\$0.4	\$2.4	\$1.8	(\$0.6)	(\$2.5)	(\$3.8)	\$81.3	\$43.3	\$3.8	(\$9.0)	(\$7.5)	(\$9.4)	(\$11.0)	(\$20.4)	(\$5.0)	(\$11.6)	\$79.4
(\$0.06)	\$0.00	\$0.02	\$0.01	\$0.00	(\$0.02)	(\$0.03)	\$0.62	\$0.32	\$0.03	(\$0.07)	(\$0.05)	(\$0.07)	(\$0.08)	(\$0.14)	(\$0.04)	(\$0.08)	\$0.55

**FPL's response to  
FIPUGs 1st Production of Documents No. 1**

**File: Master FC Spreadsheet 02-21-2017 Vero Beach;  
Bates Nos. FPL 000259 to FPL 000283**

**File: Master FC Spreadsheet 02-21-2017 BC, SJRPP out  
012018; Bates Nos. FPL 000284 to FPL 000308**

**are confidential in their entirety**

**FPL's response to  
FIPUGs 1st Production of Documents No. 5**

**File: Docket 20170235 (POD 16 – 19) -  
CONFIDENTIAL; Bates Nos. FPL 000001 to FPL  
000011**

**are confidential in their entirety**

**FPL's response to  
FIPUGs 1st INT No. 1**

**Attachment No. 3; Tab FPL's LTPE; Bates No FPL  
000254**

**Attachment No. 7; Tab FPL's LTPE; Bates No. FPL  
002170**

**Attachment No. 8; Tab FPL's LTPE; Bates No. FPL  
002178**

**are confidential in their entirety**

**Confidential**  
**FIPUG 1st Set of INTs, No. 2**

**kWh Forecast**

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
Residential Sales (GWHs)												
Total FPL Sales (GWHs)												
% Energy Allocation	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53
Total Net Customer (Savings)/ Costs (Source: SRB-2)	(\$4.8)	(\$3.7)	(\$15.8)	(\$22.2)	(\$23.8)	(\$24.7)	(\$23.2)	(\$18.9)	(\$16.8)	(\$23.5)	(\$23.2)	(\$13.2)
Residential 1,000 kWh per Month	(\$0.04)	(\$0.03)	(\$0.14)	(\$0.20)	(\$0.21)	(\$0.22)	(\$0.20)	(\$0.16)	(\$0.14)	(\$0.20)	(\$0.19)	(\$0.11)

**Notes:**

1) Revenue Requirements are allocated on energy to illustrate bill changes. Base rate changes will otherwise be determined during the next rate case proceeding.

<u>2031</u>	<u>2032</u>	<u>2033</u>	<u>2034</u>	<u>2035</u>	<u>2036</u>	<u>2037</u>	<u>2038</u>	<u>2039</u>	<u>2040</u>	<u>2041</u>	<u>2042</u>	<u>2043</u>	<u>2044</u>	<u>2045</u>	<u>2046</u>	<u>2047</u>	<u>2048</u>
0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.54	0.54	0.54	0.54	0.54	0.54	0.54
(\$7.0)	\$0.4	\$2.4	\$1.8	(\$0.6)	(\$2.5)	(\$3.8)	\$81.3	\$43.3	\$3.8	(\$9.0)	(\$7.5)	(\$9.4)	(\$11.0)	(\$20.4)	(\$5.0)	(\$11.6)	\$79.4
(\$0.06)	\$0.00	\$0.02	\$0.01	\$0.00	(\$0.02)	(\$0.03)	\$0.62	\$0.32	\$0.03	(\$0.07)	(\$0.05)	(\$0.07)	(\$0.08)	(\$0.14)	(\$0.04)	(\$0.08)	\$0.55

**FPL's response to  
FIPUGs 1st Production of Documents No. 1**

**File: Master FC Spreadsheet 02-21-2017 Vero Beach;  
Bates Nos. FPL 000259 to FPL 000283**

**File: Master FC Spreadsheet 02-21-2017 BC, SJRPP out  
012018; Bates Nos. FPL 000284 to FPL 000308**

**are confidential in their entirety**



**FPL's response to  
FIPUGs 1st Production of Documents No. 5**

**File: Docket 20170235 (POD 16 – 19) -  
CONFIDENTIAL; Bates Nos. FPL 000001 to FPL  
000011**

**are confidential in their entirety**

# **EXHIBIT C**

## **JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET TITLE:** Florida Power & Light Company's Petition to charge FPL rates to former City of Vero Beach C  
**DOCKET NO.:** 20170235-EI  
**DOCKET TITLE:** **Joint** petition to terminate territorial agreement, by Florida Power & Light and the City of Vero Beach  
**DOCKET NO.:** 20170236-EI

Discovery Set	Bates Number	Item No. (File)	Conf. Y/N	Line / Column	Florida Statute 366.093(3) Subsection	Declarant
20170235 - FIPUG's 1st INT No. 1	FPL 000254	Excel File Attachment No. 3	Y	Tab "FPL's LTPE": All	(e)	Scott Bores
	FPL 002170	Excel File Attachment No. 7	Y	Tab "FPL's LTPE": All		
	FPL 002178	Excel File Attachment No. 8	Y	Tab "FPL's LTPE": All		
20170235 - FIPUG's 1st INT No. 2	FPL 002276	Excel File Attachment No. 1	Y	Rows 5 & 6 Cols C to AF	(e)	Tiffany Cohen
20170235 - FIPUG's 1st POD No. 1	FPL 000259 to FPL 000283	Excel File Master FC Spreadsheet 2-21-2017 - Vero Beach	Y	ALL	(a)	Scott Bores
	FPL000284 To FPL 000308	Excel File Master FC Spreadsheet 2-21-2017-BC, SJRPP out 012018				
20170235 - FIPUG's 1st POD No. 5	FPL 000001 To FPL 000011	DOCKET 20170235 (POD 16-19) - CONFIDENTIAL	Y	ALL	(e)	David Herr

# **EXHIBIT D**

## **DECLARATIONS**

**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. 20170235-EI

In re: Joint petition to terminate territorial  
agreement, by Florida Power & Light and the  
City of Vero Beach.

Docket No. 20170236-EI

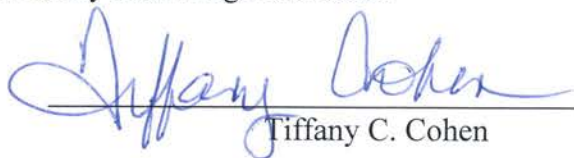
**DECLARATION OF TIFFANY C. COHEN**

1. My name is Tiffany C. Cohen. I am currently employed by Florida Power & Light Company ("FPL") as the Director of Rates & Tariffs. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the document and information included in Exhibit A to FPL's Request for Confidential Classification filed this date, for which I am listed as the declarant on Exhibit C. The document that I have reviewed and which is asserted by FPL to be proprietary confidential business information contains FPL's sales forecast and the disclosure of which would impair the competitive business of FPL. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of 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.

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.

  
\_\_\_\_\_  
Tiffany C. Cohen

Date: 8/29/18

**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. 20170235-EI

In re: Joint petition to terminate territorial  
agreement, by Florida Power & Light and the  
City of Vero Beach.

Docket No. 20170236-EI

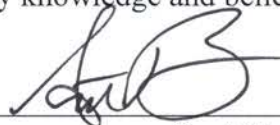
**DECLARATION OF SCOTT BORES**

1. My name is Scott Bores. I am currently employed by Florida Power & Light Company ("FPL") as the Senior Director of Financial Planning & Analysis. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification filed this date, for which I am listed as the declarant on Exhibit C. The documents that I have reviewed and which are asserted by FPL to be proprietary confidential business information relating to competitive interests, the disclosure of which would impair the competitive business of FPL, contain FPL's assumed long-term price of electricity, including the estimated base rate settlement amounts for the next rate case. In addition, FPL has provided documentation containing trade secrets which are considered competitively sensitive, specifically the methodology was developed for use by, and which is in fact used by, FPL in the operation of its business, the disclosure of which would impair the business advantage associated with the development and use of this methodology and which would impair the competitive business of FPL. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of 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.

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.



\_\_\_\_\_  
Scott Bores

Date: 8/29/18

## 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. 20170235-EI

In re: Joint petition to terminate territorial  
agreement, by Florida Power & Light and the  
City of Vero Beach.

Docket No. 20170236-EI

### DECLARATION OF DAVID HERR

1. My name is David Herr. I am currently employed by Duff & Phelps LLC as Chief Revenue Officer and Managing Director who serves as 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 the document and information included in Exhibit A to FPL's Request for Confidential Classification filed this date, for which I am listed as the declarant on Exhibit C. The documents that I have reviewed and which are asserted by Duff & Phelps to be proprietary confidential business information contain proprietary methodology. This information relates to competitive interests, the disclosure of which would impair the competitive business of Duff & Phelps. Specifically, the document contains the analyses of 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 document 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: August 29, 2018