

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation Cost Recovery  
Clause

Docket No: 20180002-EG

Date: December 13, 2018

**FLORIDA POWER & LIGHT COMPANY'S THIRD REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 13-004-4-3**

Pursuant to Section 366.093, Florida Statutes ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its Third Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 13-004-4-3 ("Confidential Information"). In support of this request, FPL states as follows:

1. On August 1, 2013, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D ("August 1, 2013 Request"). By Order No. PSC-13-0480-CFO-EI, dated October 15, 2013 ("Order 0480"), the Commission granted FPL's August 1, 2013 Request. FPL adopts and incorporates by reference the August 1, 2013 Request and Order 0480.

2. By Order No. PSC-15-0474-CFO-EI, dated October 15, 2015 ("Order 0474"), the Commission granted FPL's First Request for Extension of Confidential Classification.

3. On March 21, 2017 FPL filed its Second Request for Extension of Confidential Classification, which included First Revised Exhibits A, B and C, and Second Revised Exhibit D ("March 21, 2017 Request"). By Order No. PSC-17-0236-CFO-EG, dated June 20, 2017 ("Order 0236"), the Commission granted FPL's March 21, 2017 Request. FPL adopts and incorporates by reference the March 21, 2017 Request and Order 0236.

4. The period of confidential treatment granted by Order 0236 will soon expire. The Confidential Information that was the subject of FPL's March 21, 2017 Request and Order 0236 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its Third Request for Extension of Confidential Classification.

5. All of the information designated in First Revised Exhibits A, B and C to the March 21, 2017 Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached here.

6. Included as Third Revised Exhibit D are the declarations of Antonio Maceo and Anita Sharma in support of this request.

7. The Confidential Information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, such materials are entitled to confidential treatment and are 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.

8. As more fully described in the declarations included in Third Revised Exhibit D, certain documents provided by FPL contain information regarding internal auditing controls, reports or notes of internal auditors, or information relating to internal audit reports. This information is protected by Section 366.093(3)(b), Fla. Stat.

9. Additionally, certain documents contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its vendors to

contract for goods and services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

10. Certain information in these documents and materials concern FPL's competitive interests and would place FPL at a disadvantage when coupled with the other information that is publicly available. This information is protected by Section 366.093(3)(e), Fla. Stat.

11. Some documents contain customer-specific account information, which, if disclosed, would impair FPL's competitive interests. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law to entities or persons other than the customer absent the customer's consent. This information is protected by Section 366.093(3)(e), Fla. Stat.

12. Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted remains protected from disclosure is up to 18 months unless good cause is shown to grant protection from disclosure for a longer period. Currently, the Commission retains audit reports for a period of seven years at which time the audit materials are returned to FPL unless Commission staff or another affected person requests that these audit materials continue to be retained. The nature of these materials will not change in the next three years. Therefore, to promote administrative efficiency, FPL requests confidential classification for a period of thirty-six (36) months. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional thirty-six (36) month period and should be returned

to FPL as soon as it 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 more fully set forth in the supporting materials, Florida Power & Light Company respectfully requests that its Third Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: s/ Maria J. Moncada  
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**CERTIFICATE OF SERVICE**  
**Docket No. 20180002-EG**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Third Request for Extension of Confidential Classification has been furnished by electronic service on this 13th day of December 2018 to the following:

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By: s/ Maria J. Moncada  
Maria J. Moncada  
Florida Bar No. 0773301

# **EXHIBIT D**

## **DECLARATIONS**

**THIRD REVISED EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation Cost Recovery  
Clause

Docket No: 20180002-EG

**DECLARATION OF ANTONIO MACEO**

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

2. I have reviewed the documents referenced and incorporated in FPL's Third Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 13-004-4-3 for which I am identified as the declarant. The documents or materials contain or constitute competitively sensitive information, the disclosure of which could impair the competitive business of the provider of the information. Specifically, some of the information contains or constitutes internal auditing controls and reports of internal auditors or information relating to internal auditing reports issued in 2012. 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 impact 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. Nothing has occurred since the issuance of Order No. PSC-17-0236-CFO-EG 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 not less than 36 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.



\_\_\_\_\_  
ANTONIO MACEO

Date: \_\_\_\_\_

12/11/18



**THIRD REVISED EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation Cost Recovery  
Clause

Docket No: 20180002-EG

**DECLARATION OF ANITA SHARMA**

1. My name is Anita Sharma. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Demand Side Management Cost and Performance. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Third Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 13-004-4-3. The documents or materials contain or constitute competitively sensitive information, the disclosure of which could impair the competitive business of the provider of the information. Specifically, some of the information contains information related payroll, pension and welfare rates. Additionally, some information pertains to negotiated terms with third party vendors for equipment and services related to FPL's implementation of demand side management and conversation programs. Some documents contain customer-specific account information, which if disclosed would impair FPL's competitive interests. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law to entities or persons other than the customer absent the customer's consent. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-17-0236-CFO-EG 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 not less than 36 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.



ANITA SHARMA

Date: 12/13/2018