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May 16, 2019

-VIA HAND DELIVERY-

Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RE: Docket 20190015-EG

REDACTED

RECEIVED-FPSC
2019 MAY 16 PM 2:58
COMMISSION CLERK


Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information Provided in Response to Staff's First Request for Production of Documents (No. 4). 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.

If there are any questions regarding this transmittal, please contact me at (561)304-5662.

Sincerely,


Christopher T. Wright
Senior Attorney
Fla. Auth. House Counsel No. 1007055

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AFD ___
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Enclosure

cc: Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of numeric
conservation goals of (Florida Power & Light
Company)

Docket No. 20190015-EG

Filed: May 16, 2019

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
IN RESPONSE TO STAFF OF THE FLORIDA PUBLIC SERVICE
COMMISSION'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 4)**

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 the Staff of the Florida Public Service Commission's ("Staff") First Request for Production of Documents (No. 4) ("Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. On April 26, 2019, Staff served its First Request for Production of Documents (Nos. 1-7) on FPL. FPL's Response to Staff's First Request for Production of Documents (No. 4) contain information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its responses to Staff's First Request for Production of Documents (Nos. 1-7) on May 16, 2019. This request is being filed contemporaneously with the service of the responses to Staff'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 and made a part of this request:

a. Exhibit A consists of a copy of the Confidential Discovery Responses on which all information that FPL asserts is entitled to confidential treatment is highlighted.

b. Exhibit B consists of an edited version of the Confidential Discovery Responses on which all information that FPL asserts is entitled to confidential treatment is redacted.

c. Exhibit C is a table containing a page-and-line identification of the information highlighted in Exhibit A and a brief description of the Confidential Information. Exhibit C also references the specific statutory bases for the claim of confidentiality and identifies the declarants who support the requested classification.

d. Exhibit D contains the declaration of Andrew W. Whitley 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), Florida Statutes. 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 harm of disclosure against the public interest in access to the information.

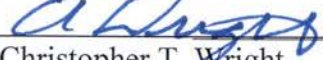
5. As the description included in Exhibit C and the declarations included in Exhibit D indicate, the Confidential Discovery Responses provided by FPL contain information concerning information relating to competitive interests of FPL or its vendors, the disclosure of which would impair the competitive business of FPL. This information is protected by Section 366.093(3)(e), Fla. Stat.

6. 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 eighteen (18) 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 and affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

Christopher T. Wright
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 567-7144
Facsimile: (561) 691-7135

By: 
Christopher T. Wright
Fla. Auth. House Counsel No. 1007055

**CERTIFICATE OF SERVICE
DOCKET NO. 20190015-EG**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic delivery this 16th day of May, 2019 to the following:

<p>Margo A. DuVal, Esq. Ashley Weisenfeld, Esq. Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850 Mduval@psc.state.fl.us Aweisenf@psc.state.fl.us</p>	<p>J.R. Kelly, Esq. Patricia Christensen, Esq. Office of the Public Counsel c/o The Florida Legislature 111 W. Madison Street, Rm 812 Tallahassee FL 32399 christensen.patty@leg.state.fl.us kelly.jr@leg.state.fl.us</p>
<p>George Cavros, Esq. Southern Alliance for Clean Energy 120 E. Oakland Park Blvd., Suite 105 Fort Lauderdale, FL 33334 george@cavros-law.com Attorney for SACE</p>	<p>Bradley Marshall, Esq. Bonnie Malloy, Esq. Earthjustice 111 S. Martin Luther King Jr. Blvd. Tallahassee, FL 32301 bmarshall@earthjustice.org bmalloy@earthjustice.org Attorneys for SACE</p>
<p>Joan T. Matthews, Esq. / Allan J. Charles, Esq. Florida Department of Agriculture & Consumer Services Office of General Counsel The Mayo Building 407 S. Calhoun Street, Suite 520 Tallahassee, FL 32399-0800 joan.matthews@freshfromflorida.com allan.charles@freshfromflorida.com</p>	

By: 
Christopher T. Wright
Fla. Auth. House Counsel No. 1007055

EXHIBIT B

REDACTED

FPL's response to
Staff's 1st POD No. 4

CPF Model - 2026 CC - no CO2;
Bates Nos. FPL 000027 - 000044

cpfbatch2018 RIM Med Fuel no CO2;
Bates Nos. FPL 000140 - 000148

cpfbatch2018 TRC Med Fuel no CO2;
Bates Nos. FPL 000194 - 000202

are confidential in their entirety

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET TITLE: Commission review of numeric conservation goals (Florida Power & Light Company)
DOCKET NO.: 20190015-EG

Set	Bates No.	File Name	Conf. Y/N	Line/Column	Florida Statute 366.093(3) Subsection	Declarant
20190015 – Staff's 1st POD No. 4	FPL 000027 - 000044	Excel File CPF Model - 2026 CC - no CO2	Y	All	(e)	Andrew Whitley
	FPL 000140 - 000148	Excel File cpfbatch2018 RIM Med Fuel no CO2	Y	All		
	FPL 000194 - 000202	Excel File cpfbatch2018 TRC Med Fuel no CO2	Y	All		

EXHIBIT D

DECLARATION

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
conservation goals (Florida Power & Light
Company)

Docket No. 20190015-EG

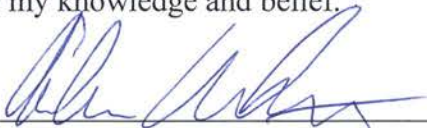
DECLARATION OF ANDREW W. WHITLEY

1. My name is Andrew W. Whitley. I am currently employed by Florida Power & Light Company ("FPL") as Principal Engineer in the Integrated Resource Planning department of FPL's Finance Business Unit. 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 FPL seeks to have protected contain propriety programs and processes used in FPL's Integrated Resource Planning. FPL developed these programs and processes for its internal use. These programs and processes are not commercially available, but they would have commercial value if they were disclosed, and FPL should be compensated for any such disclosure. FPL has a proprietary, competitive interest in these programs and processes it has developed, and it has chosen not to make them commercially available, but to use them solely internally. The disclosure of these proprietary materials would impair the value of these programs and processes and harm FPL's competitive business interests. FPL treats these programs and processes as confidential and proprietary and has previously successfully sought confidential treatment of these materials at the Commission.

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.



Andrew W. Whitley

Date: 5/14/19