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June 27, 2019

VIA HAND DELIVERY

Mr. Adam Teitzman
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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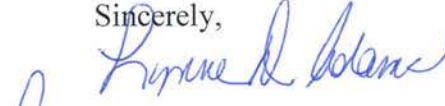
Re: Docket No. 20180049-EI

Dear Mr. Teitzman:

Enclosed please find a copy of the Joint Motion of Office of Public Counsel and Florida Power & Light Company for Admission of Excerpts of Exhibit HWS-3 and for a Determination that Confidential Treatment Shall Be Afforded Pursuant to Prior Commission Orders. As indicated in the attached motion, all of the documents included on the confidential disc which accompanies this letter have been deemed to be confidential and entitled to confidential treatment pursuant to Order No. PSC-2019-0051-CFO-EI and Order No. PSC-2019-0052-CFO-EI, both of which were issued January 31, 2019. In other words, the documents included on the confidential disc that accompanies this letter are a subset of the materials previously determined to be confidential by virtue of the orders referenced above.

The confidential document identified as HWS-3 Excerpts is provided in an envelope labeled **"ATTACHMENT 1 (HWS-3 EXCERPTS) – CONFIDENTIAL INFORMATION"** included with this filing.

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

Sincerely,

for Kenneth M. Rubin

Enclosure

cc: Counsel for Parties of Record (w/copy of Joint Motion of the Office of Public Counsel and Florida Power & Light Company for Admission of Excerpts of Exhibit HWS-3 and for a Determination that Confidential Treatment Shall Be Afforded Pursuant to Commission Orders)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Evaluation of storm restoration costs for
Florida Power & Light Company related to
Hurricane Irma

Docket No. 20180049-EI

Filed: June 27, 2019

**JOINT MOTION OF THE OFFICE OF PUBLIC COUNSEL
AND FLORIDA POWER & LIGHT COMPANY
FOR ADMISSION OF EXCERPTS OF EXHIBIT HWS-3 AND FOR A
DETERMINATION THAT CONFIDENTIAL TREATMENT SHALL BE AFFORDED
PURSUANT TO PRIOR COMMISSION ORDERS**

Pursuant to Rule 28-106.204(1), Florida Administrative Code (“F.A.C.”), the Office of Public Counsel (“OPC”) and Florida Power & Light Company (“FPL”), by and through their respective undersigned counsel, hereby file this Joint Motion for Admission of Excerpts of Exhibit HWS-3 and for a Determination that Confidential Treatment Shall Be Afforded Pursuant to Prior Commission Orders. In support of this motion, OPC and FPL jointly state as follows:

1. In its Prehearing Statement, Amended Prehearing Statement, and Second Amended Prehearing Statement, OPC identified a series of documents identified as Exhibit HWS-3 that OPC planned to offer into evidence in this case. HWS-3 is an attachment or exhibit to the pre-filed direct testimony of OPC Witness Helmuth W. Schultz, III. HWS-3 consists of the transcripts and exhibits of a two-day panel deposition of FPL Witnesses Thomas Gwaltney, Ray Lozano and Kristin Manz taken November 15, 2018 and December 13, 2018. HWS-3 consists of approximately 1600 pages of confidential testimony and confidential exhibits.¹

2. Prior to the time that OPC filed the direct testimony of Witness Schultz with exhibits, FPL sought and received orders from the Commission granting Requests for Confidential

¹ The complete compilation of materials designated by OPC as HWS-3 is currently identified on Staff’s Comprehensive Exhibit List as Exhibit 8. FPL has previously voiced its objection to Exhibit 8 being entered into the record in these proceedings and retains that position notwithstanding the agreement described in this Joint Motion.

Classification of the great majority of the materials that comprise HWS-3.² More specifically, on January 31, 2019, the Commission entered Order Nos. PSC-2019-0051-CFO-EI and PSC-2019-0052-CFO-EI granting confidential classification of the transcripts of part 1 (November 15, 2018) and part 2 (December 13, 2018) of the panel deposition, together with Deposition Exhibits 2 through 10 and 12 through 33.

3. During the Prehearing Conference conducted May 20, 2019, FPL and OPC presented argument to the Prehearing Officer regarding the propriety of inclusion of HWS-3 into the record. The Prehearing Officer then directed counsel for OPC and FPL to confer in an effort to reach an agreement on the use of HWS-3 for purposes of the final hearing.³ A number of communications thereafter occurred between OPC and FPL resulting in the agreement more fully described below.

4. Following the Prehearing Conference, OPC provided FPL with page and line excerpts from HWS-3, along with specified deposition exhibits from the panel deposition, that OPC wished to introduce into the record at the final hearing. Without either OPC or FPL waiving their positions regarding the propriety of admitting a deposition transcript into the record of a proceeding before the Commission, OPC and FPL have agreed that specific excerpts of HWS-3, along with specified deposition exhibits from the panel deposition, will be admitted into the record, subject of course to the Commission's ruling on all of the testimony identified in Paragraph 22 of the Stipulation and Settlement Agreement filed on June 6, 2019. For purposes of this motion,

² The only portions of HWS-3 that are not protected by the confidentiality orders are Exhibits 1 and 11 to the panel deposition. FPL did not request confidential treatment of these two exhibits, neither of which is relevant to this request.

³ In the Prehearing Order (Order No. PSC-2019-0205-PHO-EI) issued May 31, 2019, the Prehearing Officer addressed this issue and concluded with the following statement: "On May 24, 2019, FPL filed its Objection to Office of Public Counsel's Use of Deposition at Hearing stating that it was filing the objection to preserve its rights but that the parties were actively engaged in efforts to reach a mutually agreeable resolution and each have committed to working towards that goal. Given these facts, a ruling on this matter will be withheld in order to give the parties additional time to resolve this issue before the hearing commences."

those excerpts, together with the specified deposition exhibits from the panel deposition, are referred to as HWS-3 Excerpts.

5. A disc containing the confidential documents that comprise HWS-3 Excerpts has been provided to the Clerk of the Commission as an Attachment 1 - CONFIDENTIAL to this Motion, which includes a request for confirmation that HWS-3 Excerpts shall be afforded continued confidential treatment on the authority of Order Nos. PSC-2019-0051-CFO-EI and PSC-2019-0052-CFO-EI. In light of the fact that the Commission has already determined that the portions of HWS-3 that make up HWS-3 Excerpts are entitled to continued confidential treatment, OPC and FPL respectfully submit that the confidentiality of HWS-3 Excerpts is already provided for by the rulings contained in Order Nos. PSC-2019-0051-CFO-EI and PSC-2019-0052-CFO-EI, and that as a result HWS-3 Excerpts should continue to be afforded the same confidential classification.

6. Pursuant to Rule 28-106.204(3), F.A.C., OPC and FPL have conferred with the Florida Industrial Power Users Group (“FIPUG”) and the Florida Retail Federation (“FRF”), which were granted intervention by Order Nos. PSC-2018-0299-PCO-EI and PSC-2018-0298-PCO-EI, respectively. FIPUG has authorized OPC and FPL to represent that FIPUG supports the motion, while FRF takes no position on the motion.

WHEREFORE, for the reasons stated above, OPC and FPL respectfully submit that HWS-3 Excerpts may be admitted into the record of these proceedings, subject to Commission approval on the stipulated record supporting the Stipulation and Settlement Agreement filed on June 6, 2019, and that HWS-3 Excerpts continue to be afforded confidential treatment based upon the rulings contained in Order Nos. PSC-2019-0051-CFO-EI and PSC-2019-0052-CFO-EI.

Respectfully submitted this 27th day of June, 2019

By: s/ Kenneth M. Rubin

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CERTIFICATE OF SERVICE

Docket No. 20180049-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service on this 27th day of June, 2019 to the following:

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