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May 7, 2020

VIA HAND DELIVERY

Mr. Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

REDACTED

**Re: Docket No. 20190038-EI
Gulf Power Company's Request for Confidential Classification of
Information Provided in Response to OPC's Third Set of
Interrogatories and Third Request for Production of Documents**

Dear Mr. Teitzman:

I enclose for filing in the above referenced docket Gulf Power Company's ("Gulf") Request for Confidential Classification of Information Provided in Response to the Office of Public Counsel's Third Set of Interrogatories (Nos. 79, 82, and 83) and Third Request for Production of Documents (No. 36). The enclosed filing includes Exhibits A, B, C and D.

Exhibit A consists of the confidential documents, and all the information that Gulf asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A, consisting of an identifying cover page and redacted responses. Exhibit C is a justification table in support of Gulf's Request for Confidential Classification. Exhibit D contains a declaration in support of Gulf's filing.

- COM
- AFD *1 copy*
- APA
- ECO
- ENG
- GCL
- IDM
- CLK

Please contact me if you or your Staff has any questions regarding this filing at (561) 691-7108 or jason.higginbotham@fpl.com.

Sincerely,

/s/ Jason A. Higginbotham
Jason A. Higginbotham

RECEIVED-FPSC
2020 MAY -8 PM 12:15
COMMISSION CLERK

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Michael, by Gulf Power Company.

Docket No: 20190038-EI

Date: May 8, 2020

GULF POWER COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED IN RESPONSE TO OPC'S THIRDD SET OF INTERROGATORIES (NOS. 79, 82 & 83) & OPC'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 36)

Pursuant to Section 366.093, Florida Statutes ("Fla. Stat."), and Rule 25-22.006, Florida Administrative Code ("F.A.C."), Gulf Power Company ("Gulf") hereby requests confidential classification of certain information provided in response to the Office of Public Counsel's ("OPC") Third Set of Interrogatories, Nos. 79, 82 and 83, and OPC's Third Request for Production of Documents, No. 36 (collectively, the "Confidential Documents"). In support of this Request, Gulf states as follows:

1. On April 20, 2020, Gulf served its responses to OPC's Third Set of Interrogatories and OPC's Third Request for Production of Documents, which included Gulf's responses to Interrogatory Nos. 79, 82 and 83, and Request for Production of Documents No. 36. On the same day, Gulf also filed a Notice of Intent to Request Confidential Classification within 21 days of serving its responses to Gulf's discovery request. Accordingly, this request is being filed in order to request confidential classification of certain information contained in Gulf's responses to OPC's discovery, consistent with Rule 25-22.006, Florida Administrative Code.

2. The following exhibits are attached to and made a part of this Request:

- a. Exhibit A consists of the confidential document, and all the information that Gulf asserts is entitled to confidential treatment has been highlighted.

- b. Exhibit B is an edited version of Exhibit A, consisting of an identifying cover page.
- c. Exhibit C is a justification table in support of Gulf's Request for Confidential Classification.
- d. Exhibit D is the declaration of Mitchell Goldstein in support of this Request.

3. Gulf submits that the information in Exhibit A is proprietary and confidential business information, and its disclosure would cause harm to Gulf and its customers. Pursuant to Section 366.093, Fla. Stat., 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.

4. As described in the declaration in Exhibit D, some of the Confidential Information contains information concerning bids or contractual data. This information is protected by Section 366.093(3)(d), Fla. Stat.

5. Upon a finding by the Commission that the information contained in the Confidential Documents is proprietary and confidential business information, the information should not be declassified for at least eighteen (18) month period and should be returned to Gulf 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, Gulf Power Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted this 7th day of May, 2020.

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By: /s/ Jason A. Higginbotham
Jason A. Higginbotham
Florida Authorized Counsel No.
1017875

CERTIFICATE OF SERVICE
Docket No. 20190038-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service on this 7th day of May 2020 to the following:

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and Administrative Services
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ateitzman@psc.state.fl.us

By: s/ Jason A. Higginbotham
Fla. Authorized Counsel No. 1017875

EXHIBIT A

CONFIDENTIAL

EXHIBIT B

REDACTED

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6 QUESTION:

7 Refer to the confidential response to POD 10 in OPC's First Request for Production of
8 Documents for invoice binder 42.0 for vendor [REDACTED] specifically to Bates pages 011735 –
9 37 showing invoice number 113570 from this vendor. The invoice amount is [REDACTED]. Refer
10 also to the "Hurricane Michael Master Log" produced as part of Gulf's response to POD 10 of
11 OPC's First Request for Production of Documents, specifically to the tab labelled "Total Storm
12 Costs" and to cells O4204 and S4204 showing an invoice amount of [REDACTED] and a paid
13 amount of [REDACTED], respectively. Please explain the discrepancy and indicate whether the
14 invoice amount or the higher payment amount was included in the total cost recovery request.

15 RESPONSE:

16 The amount paid was inadvertently miss keyed on the "Hurricane Michael Master Log" in
17 column S4204. The amount paid to the vendor wa [REDACTED].

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6 QUESTION:

7 Refer to the confidential response to POD 10 in OPC's First Request for Production of
8 Documents for invoice binder 115.0 for vendor [REDACTED] specifically to Bates pages
9 034973-76 showing the split of straight-time and overtime hours billed by the vendor. The week
10 of 10/21/18 shows straight-time hours billed of 15 hours and overtime hours billed of 78.5 hours
11 for most employees when the week started on a Tuesday. The week of 10/28/18 shows straight-
12 time hours billed of 5 hours and overtime hours billed of 45 hours for most employees when the
13 week started on a Monday and went for three days that week. Please explain why the amount of
14 straight-time hours were so small in each of the two weeks and provide the basis for the number
15 of straight-time hours in each before overtime began.

16 RESPONSE:

17 Gulf has determined that the invoice in binder 115.0 for [REDACTED] was billed incorrectly
18 for ST and OT labor. The overpayment of this invoice totals [REDACTED] which Gulf plans to
19 remove from the total costs for which it is seeking recovery in this proceeding. Gulf anticipates
20 submitting a revised cost recovery figure, which will reflect the removal of the [REDACTED] with
21 its rebuttal testimony.

**Gulf's response to
OPC's Third Set of Interrogatories**

**Interrogatory No. 83
Attachment No. 1
Bates Nos. 065097 – 065166**

is confidential in its entirety

**Gulf's response to
OPC's Third Request for Production of
Documents**

**Request No. 36
Attachment No. 1
Bates Nos. 065090 - 065093**

is confidential in its entirety

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT D

DECLARATIONS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Michael, by Gulf Power Company.

Docket No: 20190038-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

WRITTEN DECLARATION OF MITCHELL GOLDSTEIN

1. My name is Mitchell Goldstein. I am currently employed by Gulf Power Company (“Gulf”) as Vice President of Finance. 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 Gulf’s Request for Confidential Classification filed this date, for which I am listed as a declarant on Exhibit C. The documents that I have reviewed and which are asserted by Gulf to be proprietary confidential business information contain or constitute contractual data, and information related to competitive interests, the disclosure of which would impair the competitive business of Gulf, its affiliates and its contractors, vendors and suppliers. Specifically, the documents and exhibits contains the names, rates, quantity, contractual provisions, invoices of our third-party contractors, vendors and suppliers, payments to our contractors, vendors and suppliers, all of which was agreed upon exclusively with these contractors, vendors, and suppliers. Disclosure of this information would impair Gulf’s contractor, vendor, and supplier relationships, and impair or negate the commercial interests of Gulf as Gulf negotiates contracts and seeks to obtain contractors, vendors and suppliers to provide critical construction, restoration resources necessary to perform storm restoration. Disclosure of this information would also impair or negate the commercial interests of Gulf’s contractors, vendors and suppliers as they negotiate with others for the services they provide. The disclosure of this information will also impact the efforts of Gulf or its affiliates to contract for goods and services on favorable terms in the future, which in turn increases costs to Gulf and its customers. To the best of my knowledge, Gulf 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 Gulf as soon as the information is no longer necessary for the Commission to conduct its business so that Gulf 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.



Mitchell Goldstein

Date: May 7, 2020