



Christopher T. Wright  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 691-7144  
(561) 691-7135 (Facsimile)  
E-mail: [christopher.wright@fpl.com](mailto:christopher.wright@fpl.com)

June 19, 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

**REDACTED**

**Re: Docket No. 20200071-EI  
Florida Power & Light Company Request for Confidential Classification**

Dear Mr. Teitzman:

Enclosed for filing in the above docket is Florida Power & Light Company's ("FPL's") Request for Confidential Classification of certain information provided in response to the Office of Public Counsel's ("OPC") First Request for Production of Documents (Nos. 1 and 3), Second Request for Production of Documents (No.18), Fourth Request for Production of Documents nos. (Nos. 58 and 60), and Fourth Set of Interrogatories (No. 150). 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 declarations in support of FPL's request.

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

- COM \_\_\_\_\_
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- CLK \_\_\_\_\_

Sincerely,

*s/Christopher T. Wright*  
Christopher T. Wright  
Authorized House Counsel No. 1007055

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COMMISSION CLERK

Enclosures

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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of 2020-2029 Storm Protection  
Plan pursuant to Rule 25-6.030, F.A.C., Florida  
Power & Light Company

Docket No: 20200071-EI

Date: June 19, 2020

**FLORIDA POWER & LIGHT COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED IN RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S FIRST  
REQUEST FOR PRODUCTION OF DOCUMENTS (Nos. 1 and 3), SECOND REQUEST  
FOR PRODUCTION OF DOCUMENTS (No.18), FOURTH REQUEST FOR  
PRODUCTION OF DOCUMENTS (Nos. 58 and 60), AND FOURTH SET OF  
INTERROGATORIES (No. 150)**

Pursuant to Section 366.093, Florida Statutes ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby requests confidential classification of certain information provided in response to the Office of Public Counsel's ("OPC") First Request for Production of Documents (Nos. 1 and 3), Second Request for Production of Documents (No.18), Fourth Request for Production of Documents (Nos. 58 and 60), and Fourth Set of Interrogatories (No. 150) (collectively, the "Confidential Documents"). In support of this Request, FPL states as follows:

1. The Confidential Documents requested by Legal Staff were previously produced in response to discovery propounded in this case and were designated by FPL as confidential. This Request is being filed in order to request confidential classification of certain information contained in the Confidential Documents, 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 a copy of the Confidential Documents 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 Documents on which all information that FPL asserts is entitled to confidential treatment is redacted.
- c. Exhibit C is a table that identifies the information highlighted in Exhibit A and references the specific statutory basis for the claim of confidentiality and identifies the Declarant who supports the requested classification.
- d. Exhibit D consists of the declarations of Elizabeth Fuentes and Thomas Allain in support of this Request.

3. FPL submits that the highlighted information in Exhibit A is proprietary and confidential business information, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, Florida Statutes (“F.S.”) 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, the confidential business information includes: proprietary information, internal auditing controls and reports of internal auditors, and trade secrets; information relating to bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms; and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. This information is protected by Sections 366.093(3)(a), (b), (d) and (e), F.S.

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 FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* Section 366.093(4), F.S.

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted this 19th day of June 20

John T. Burnett  
Vice President and Deputy General Counsel  
Christopher T. Wright  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
Phone: 561-691-7144  
Fax: 561-691-7135  
Email: [john.t.burnett@fpl.com](mailto:john.t.burnett@fpl.com)  
Email: [christopher.wright@fpl.com](mailto:christopher.wright@fpl.com)

By: s/Christopher T. Wright  
Christopher T. Wright  
Florida Auth. House Counsel No. 1007055

**CERTIFICATE OF SERVICE**  
**Docket No. 20200071-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service on this 19th day of June 2020 to the following:

Charles Murphy, Esquire Rachael Dziechciarz, Esquire Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399 <a href="mailto:rdziehc@psc.state.fl.us">rdziehc@psc.state.fl.us</a> <a href="mailto:cmurphy@psc.state.fl.us">cmurphy@psc.state.fl.us</a>	Office of Public Counsel J.R.Kelly Patricia A. Christensen c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 <a href="mailto:kelly.jr@leg.state.fl.us">kelly.jr@leg.state.fl.us</a> <a href="mailto:christensen.patty@leg.state.fl.us">christensen.patty@leg.state.fl.us</a>
Stephanie U. Eaton Spilman Thomas & Battle, PLLC 110 Oakwood Drive, Suite 500 Winston- Salem, NC 27103 <a href="mailto:seaton@spilmanlaw.com">seaton@spilmanlaw.com</a>	Derrick Price Williamson Spilman Thomas & Battle, PLLC 1100 Bent Creek Boulevard, Suite 101 Mechanicsburg, PA 17050 <a href="mailto:dwilliamson@spilmanlaw.com">dwilliamson@spilmanlaw.com</a>

By: s/ Christopher T. Wright  
Christopher T. Wright  
Fla. Auth. House Counsel No. 1007055  
Florida Power & Light Company  
700 Universe Boulevard (JB/LAW)  
Juno Beach, Florida 33408

# **EXHIBIT B**

**REDACTED**

**FPL's response to  
OPC's First Request for Production of  
Documents**

**Request No. 1  
Bates No. 000116 - 000137**

**is confidential in its entirety**

**FPL's response to  
OPC's First Request for Production of  
Documents**

**Request No. 3  
Bates No. 000138 - 000249**

**is confidential in its entirety**



**FPL's response to  
OPC's Second Request for Production of  
Documents**

**Request No. 18  
Bates No. 000316**

**is confidential in its entirety**

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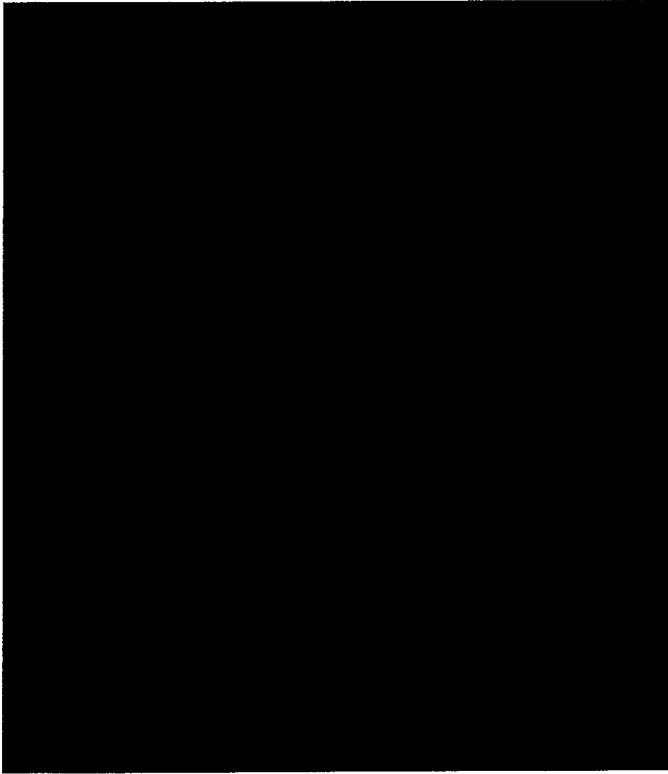
QUESTION:

For distribution pole inspection program, please provide the information for the contract with Osmose for inspection which includes:

- a. Costs per unit or hourly rate.
- b. Scope of work for inspection (groundline, bore, treat, inspect for NESC, loading, GPS pole locations, photos, etc.)

RESPONSE:

a. The cost per units or hourly rate can vary depending on the scope of work, and location of a pole relative to geographic areas and field conditions. Costs associated with the description of work are on a per unit or pole basis, and reinforcements using trusses also vary depending on which truss is used and whether it is single or double installation.



b. Scope of work for FPL's Distribution Pole Inspection Program includes: where applicable, a visual inspection, sound & bore inspection, excavation, pole treatment, identification of Joint Use and/or third party attachments, loading calculations, re-enforcements using trusses, digital images, as well as truss report. Inspections include a visual inspection of all distribution poles from the ground-line to the top of the pole to identify visual defects (i.e. woodpecker holes, split tops, decayed tops, cracks etc.). If, due to the severity of the defects, the poles are not suited for continued service, the poles are not tested further, and are reported for replacement. If the pole

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47 passes the above ground visual inspection, wood poles are excavated to a depth of approximately  
48 18" (where applicable), sounded and bored to determine the internal condition of the pole. Poles  
49 encased in concrete or asphalt are not excavated but sound and bored to determine its internal  
50 condition. All suitable poles receive preservative external and/or internal treatment where  
51 applicable. Strength calculations are performed on wood poles to determine compliance to the  
52 National Electrical Safety Code (NESC). For the loading calculations, span lengths, attachment  
53 heights, and wire sizes are recorded and conduct load-calculations to determine whether the  
54 remaining pole capacity exceeds NESC requirements.

**FPL's response to  
OPC's Fourth Request for Production of  
Documents**

**Request No. 58  
Bates No. 000549 – 000554  
and 000620 - 000631**

**is confidential in its entirety**

**FPL's response to  
OPC's Fourth Request for Production of  
Documents**

**Request No. 60  
Bates No. 000562 - 000607**

**is confidential in its entirety**

# **EXHIBIT C**

# **JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET NO.:** 20200071-EI  
**DOCKET TITLE:** Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Florida Power & Light Company  
**SUBJECT:** FPL's Responses to OPC's First Request for Production of Documents, Nos. 1 and 3; OPC's Second Request for Production of Documents, No. 18; OPC's Fourth Set of Interrogatories No. 150; and OPC's Fourth Request for Production of Documents, Nos. 58 and 60  
**DATE:** June 19, 2020

Set	Bates Number Start	Bates Number End	Description	Line No. / Col. No.	Florida Statute 3.66.093(3) Subsection	Declarant
OPC's 1st Request for Production of Documents No. 1	000116	000137	Sarbanes-Oxley (SOX) Narratives	All	(b)	Elizabeth Fuentes
OPC's 1st Request for Production of Documents No. 3	000138	000249	Transmission Operations Procedure - Inspections	All	(a)	Thomas Allain
OPC's 2nd Request for Production of Documents No. 18	000316	000316	FPL's 2020 Proposed Operational Performance Measures & Goals	All	(a) (e)	Thomas Allain
OPC's 4th Set of Interrogatories No. 150	000544	000545	FPL's Response to OPC's 4th INT No. 150	Line Nos: 17-34	(d)	Thomas Allain
OPC's 4th Request for Production of Documents No. 58	000549	000554	2018 and 2020 WACC and LT Debt Interest Rates	All	(d)	Thomas Allain
OPC's 4th Request for Production of Documents No. 58	000620	000631	2018 and 2020 WACC and LT Debt Interest Rates	All	(d)	Thomas Allain
OPC's 4th Request for Production of Documents No. 60	000562	000575	FPL's Purchase Contracts – Osrose Utilities Services, INC. (Dade)	All	(d)	Thomas Allain
OPC's 4th Request for Production of Documents No. 60	000576	000589	FPL's Purchase Contracts – Osrose Utilities Services, INC. (East)	All	(d)	Thomas Allain
OPC's 4th Request for Production of Documents No. 60	000590	000593	FPL's Purchase Contracts – Osrose Utilities Services, INC. (Pole Removal)	All	(d)	Thomas Allain
OPC's 4th Request for Production of Documents No. 60	000594	000607	FPL's Purchase Contracts – Osrose Utilities Services, INC. (West)	All	(d)	Thomas Allain

# **EXHIBIT D**

# **DECLARATIONS**



EXHIBIT D

In re: Review of 2020-2029 Storm  
Protection Plan pursuant to Rule 25-6.030,  
F.A.C., Florida Power & Light Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Docket No: 20200071-EI

DECLARATION OF THOMAS ALLAIN

1. My name is Thomas Allain. I am currently employed by Florida Power & Light Company as a Director of Compliance and Regulatory – Power Delivery. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed the documents and information included in Exhibit A to Florida Power & Light Company's ("FPL's") Request for Confidential Classification, 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 contain or constitute information concerning competitive interests. Specifically, the information constitutes information concerning trade secrets, competitive interests and bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. 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.

*Thomas Allain*

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Thomas Allain  
Date: June 19, 2020

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of 2020-2029 Storm  
Protection Plan pursuant to Rule 25-6.030,  
F.A.C., Florida Power & Light Company

Docket No: 20200071-EI

DECLARATION OF ELIZABETH FUENTES

1. My name is Elizabeth Fuentes. I am currently employed by Florida Power & Light Company as a Senior Director of Regulatory Accounting. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed the documents and information included in Exhibit A to Florida Power & Light Company's ("FPL's") Request for Confidential Classification, 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 contain proprietary information, internal auditing controls and reports of internal auditors, and trade secrets. 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.



---

Elizabeth Fuentes

Date: June 19, 2020