



Joel Baker  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 691-7255  
(561) 691-7135 (Facsimile)  
E-mail: [joel.baker@fpl.com](mailto:joel.baker@fpl.com)

October 30, 2020

**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**

RECEIVED-FPSC  
2020 OCT 30 PM 12:55  
COMMISSION  
CLERK

**Re: Docket No. 20200172-EI  
Florida Power & Light Company's Request for Confidential Classification of  
Information Provided in Its Amended Responses to the Office of Public  
Counsel's First Request for Productions of Documents.**

Dear Mr. Teitzman:

I enclose for filing in the above referenced docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information Provided in Response to the Office of Public Counsel's First Request for Production of Documents (Amended Response Nos. 4, 15 and 26). The enclosed filing includes Exhibits A, B, C and D.

The enclosed filing includes Exhibits A, B, C, and D. Exhibit A consists of the confidential documents, all of which are provided on discs, and FPL asserts that all the information contained therein is entitled to confidential treatment. Exhibit B is an edited version of Exhibit A, consisting of an identifying cover page. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains declarations in support of FPL's filing.

Please contact me if you or your Staff has any questions regarding this filing at (561) 691-7255 or [joel.baker@fpl.com](mailto:joel.baker@fpl.com).

Sincerely,

s/Joel T. Baker  
Joel T. Baker  
Florida Bar No. 108202

COM \_\_\_\_\_  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for evaluation of Hurricane  
Dorian storm costs, by Florida Power & Light  
Company.

Docket No: 20200172-EI

Date: October 30, 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 (Amended Nos. 4, 15, and 26)**

Pursuant to Section 366.093, Florida Statutes ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code ("Rule 25-22.006"), Florida Power & Light Company ("FPL") hereby files its Request for Confidential Classification ("RFCC") and requests confidential treatment of certain documents provided in its amended responses to the Office of Public Counsel's ("OPC") First Request for Production of Documents, specifically Amended Nos. 4, 15, and 26 ("Confidential Documents"). In support of this request, FPL states as follows:

1. FPL served its amended responses to OPC's First Request for Production of Documents (including the Confidential Documents) on October 30, 2020. This request is being filed to request confidential classification of certain information contained in its amended responses to OPC's First Request for Production of Documents, Amended Nos. 4, 15 and 26 consistent with Rule 25-22.006.

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, provided in electronic format on CDs, wherein all of the information contained is entitled to confidential treatment. Because the confidential materials are being provided in electronic format and are voluminous, and therefore

cannot be readily highlighted, FPL has not highlighted the entirety of the information contained on the CDs.

- b. Exhibit B consists of summary page that identifies the Bates numbered pages associated with the Confidential Documents, which are entitled to confidential treatment in their entirety.
- c. Exhibit C is a table that identifies the information highlighted in Exhibit A and references the specific statutory bases for the claim of confidentiality and identifies the Declarant who supports the requested classification.
- d. Exhibit D consists of the declarations of Sharon Diaram, Jorge Gutierrez, 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, 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 declarations in Exhibit D, the confidential business information includes: 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. This information is protected by Section 366.093(3)(d), Florida Statutes. The confidential business information further includes: 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 Section 366.093(3)(e), Florida Statutes.

5. Upon a finding by the Commission that the Confidential Documents are proprietary and confidential business information, the information should not be declassified for at least eighteen (18) months 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.

6. **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. Additionally, FPL respectfully requests that the Commission, the Office of Public Counsel, and any other party subject to the public records law treat the materials as confidential pending a formal ruling by the Commission or the return of the materials, consistent with Section 366.093(2).

Respectfully submitted this 30th day of October 2020.

Joel Baker  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
Phone: 561-691-7255  
Fax: 561-691-7135  
Email: joel.baker@fpl.com

By: s/Joel T. Baker  
Joel T. Baker  
Florida Bar No. 10820

**CERTIFICATE OF SERVICE**  
**Docket No. 20200172-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic mail this 30th day of October 2020 to the following:

Public Service Commission  
Office of General Counsel  
Jennifer Crawford  
Shaw Stiller  
Suzanne Brownless  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
jcrawfor@psc.state.fl.us  
sstiller@psc.state.fl.us  
sbrownle@psc.state.fl.us

J.R. Kelly/Thomas A. (Tad) David  
Office of Public Counsel  
111 W. Madison Street, Room 812  
Tallahassee, Florida 32399  
Kelly.jr@leg.state.fl.us  
David.tad@leg.state.fl.us

*s/ Joel T. Baker*

\_\_\_\_\_  
Joel T. Baker

**EXHIBIT B**

**EXHIBITS ON DISK ARE**

**CONFIDENTIAL IN**

**THEIR ENTIREITY**

**EXHIBIT C**

**JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET NO.:** 20200172-EI  
**DOCKET TITLE:** Petition for evaluation of Hurricane Dorian storm costs, by Florida Power & Light Company  
**SUBJECT:** FPL's Amended Responses to OPC's First Request for Production of Documents, Nos. 4, 15 and 26  
**DATE:** October 30, 2020

Set	Bates Number Start	Bates Number End	Description	Line No. / Col. No.	Florida Statute 3.66.093(3) Subsection	Declarant
OPC's 1 <sup>st</sup> POD, No. 4	[029924]	[030020]	OH RFP Attachments	All	(d) (e)	Sharon Diaram
OPC's 1 <sup>st</sup> POD, No. 4	[030021]	[030088]	VM RFP Attachments	All	(d) (e)	Sharon Diaram
OPC's 1 <sup>st</sup> POD, No. 15	[030089]	[030397]	AEP Invoices	All	(d) (e)	Jorge Guitierrez
OPC's 1 <sup>st</sup> POD, No. 15	[030398]	[030746]	CenterPoint Invoices	All	(d) (e)	Jorge Guitierrez
OPC's 1 <sup>st</sup> POD, No. 15	[030747]	[031007]	ComEd Invoices	All	(d) (e)	Jorge Guitierrez
OPC's 1 <sup>st</sup> POD, No. 15	[031018]	[031379]	Gulf Power Invoices	All	(d) (e)	Jorge Guitierrez
OPC's 1 <sup>st</sup> POD, No. 15	[031380]	[031538]	National Grid Invoices	All	(d) (e)	Jorge Guitierrez
OPC's 1 <sup>st</sup> POD, No. 26	[031539]	[031539]	MU Travel	All	(d) (e)	Thomas Allain



# **EXHIBIT D**

# **DECLARATIONS**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for evaluation of Hurricane  
Dorian storm costs, by Florida Power & Light  
Company.

Docket No: 20200172-EI

STATE OF FLORIDA )  
 )  
COUNTY OF PALM BEACH ) WRITTEN DECLARATION OF SHARON DIARAM

1. My name is Sharon Diaram. I am currently employed by Florida Power & Light Company (“FPL”) as a Sourcing Manager, Compliance. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A FPL's Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Additionally, the documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. 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.



Digitally signed by Sharon Diaram  
Date: 2020.10.29 10:33:54 -04'00'

Sharon Diaram

Date: October 30, 2020

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for evaluation of Hurricane  
Dorian storm costs, by Florida Power & Light  
Company.

Docket No: 20200172-EI

STATE OF FLORIDA )  
 )  
COUNTY OF PALM BEACH ) WRITTEN DECLARATION OF JORGE GUTIERREZ

1. My name is Jorge Gutierrez. I am currently employed by Florida Power & Light Company (“FPL”) as Manager Accounts Payable. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A FPL's Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Additionally, the documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. 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.

Jorge Gutierrez  
Jorge Gutierrez

Date: October 30, 2020

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for evaluation of Hurricane  
Dorian storm costs, by Florida Power & Light  
Company

Docket No. 20200172-EI

STATE OF FLORIDA )  
 )  
COUNTY OF PALM BEACH )      WRITTEN DECLARATION OF THOMAS ALLAIN

1. My name is Thomas Allain. I am currently employed by Florida Power & Light Company (“FPL”) as Director of Compliance and Regulatory, Power Delivery. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A FPL's Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Additionally, the documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. 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

Date: \_\_October 30, 2020\_\_\_\_\_

**Cesar  
Mendoza**

Digitally signed by Cesar Mendoza  
DN: cn=Cesar Mendoza, o=Florida  
Power & Light Company, ou,  
email=cesar.mendoza@fpl.com, c=US  
Date: 2020.10.29 15:41:51 -04'00'