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January 17, 2022

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

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2022 JAN 18 PM 4:33
COMMISSION CLERK

**Re: Docket No. 20210178-EI
Florida Power & Light Company's Request for Confidential Classification of Information Provided in Its Responses to the Office of Public Counsel's First Set of Interrogatories and 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, Response Nos. 4 and 5. The enclosed filing includes Exhibits A, B, C and D.

The enclosed filing includes Exhibits A, B, C, and D. Exhibit A consists of a copy of the Confidential Documents, some of which are provided in electronic format on CDs. The information that FPL asserts is entitled to confidential treatment is highlighted; or, for confidential documents that are being provided in electronic format and are voluminous, and therefore cannot be readily highlighted, FPL has not highlighted the entirety of the information but has instead added a confidential label. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted; or for responses deemed confidential in their entirety, 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) 691-7108 or Jason.higginbotham@fpl.com.

CGM
AFD 1 Exh "B"

- APA _____
- ECO _____
- ENG _____
- GCL _____
- IDM _____
- CLK _____

Sincerely,

/s/ Jason A. Higginbotham
Jason A. Higginbotham

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for evaluation of Hurricane Isaias and Tropical Storm Eta storm costs, by Florida Power & Light Company.

Docket No: 20210178-EI

Date: January 14, 2021

**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. 4 and 5)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code ("Rule 25-22.006"), Florida Power & Light Company ("FPL") hereby files its Request for Confidential Classification and requests confidential treatment of certain documents provided in its responses to the Office of Public Counsel's ("OPC") First Request for Production of Documents, Nos. 4 and 5 ("Confidential Documents"). In support of this request, FPL states as follows:

1. FPL served its responses to OPC's First Request for Production of Documents (including the Confidential Documents) on January 17, 2022. This request is being filed contemporaneously with service of those responses in order to request confidential classification of certain information contained in its responses to OPC's First Request for Production of Documents, Nos. 4 and 5, 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, some of which are provided in electronic format on CDs. The information that FPL asserts is entitled to confidential treatment is highlighted; or, for confidential documents that are being provided in electronic format and are voluminous,

and therefore cannot be readily highlighted, FPL has not highlighted the entirety of the information but has instead added a confidential label.

- b. Exhibit B consists an edited version of the Confidential Documents wherein the information FPL asserts is entitled to confidential treatment has been redacted. For documents that are voluminous and entitled to confidential treatment in their entirety, a summary page identifying the documents has been added.
- c. Exhibit C is a table that identifies the information designated as confidential 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 and Jorge Gutierrez, 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), Florida Statutes.

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), Florida Statutes.

Respectfully submitted this 14th day of January 2022.

Jason A. Higginbotham
Senior Attorney
Jason.Higginbotham@fpl.com
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 691-7108
Facsimile: (561) 691-7135

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

CERTIFICATE OF SERVICE

Docket No. 20210178-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic mail this 17th day of January 2022 to the following:

Public Service Commission
Office of General Counsel
Jennifer Crawford
Shaw Stiller
Suzanne Brownless
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
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Christensen.patty@leg.state.fl.us
Pirrello.anastacia@leg.state.fl.us

s/ Jason Higginbotham

Jason Higginbotham

EXHIBIT B

REDACTED

The documents responsive to OPC's First Request for Production of Documents No. 4, Bates No. 000603-022840, are confidential in their entirety.

The documents responsive to OPC's First Request for Production of Documents No. 5, Bates No. 022841-027341, are confidential in their entirety.

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 20210178-EI
DOCKET TITLE: Petition for evaluation of Hurricane Isaias and Tropical Storm Eta storm costs, by Florida Power & Light Company.
SUBJECT: FPL's Responses to OPC's First Request for Production of Documents, Nos. 4 and 5
DATE: January 18, 2022

Set	Bates Number Start	Bates Number End	Description	Line No. / Col. No.	Florida Statute 3.66.093(3) Subsection	Declarant
OPC 1 st POD, No. 4	010990	021079	Eta Contracts	All	(d) (e)	Sharon Diaram
OPC 1 st POD, No. 4	021080	022840	Eta Purchase Orders	All	(d) (e)	Sharon Diaram
OPC 1 st POD, No. 4	000603	000678	Isaias Contracts	All	(d) (e)	Sharon Diaram
OPC 1 st POD, No. 4	009232	010977	Isaias Purchases	All	(d) (e)	Sharon Diaram
OPC 1 st POD, No. 5	022842	025254	Eta Invoices	All	(d) (e)	Jorge Gutierrez
OPC 1 st POD, No. 5	025302	027341	Isaias Invoices	All	(d) (e)	Jorge Gutierrez
OPC 1 st POD, No. 5	022842	022842	Eta General Ledger Detail	All	(d) (e)	Jorge Gutierrez
OPC 1 st POD, No. 5	022841	022841	Isaias General Ledger Detail	All	(d) (e)	Jorge Gutierrez

EXHIBIT D

DECLARATIONS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for evaluation of Hurricane
Isaias and Tropical Storm Eta storm costs,
by Florida Power & Light Company.

Docket No: 20210178-EI

WRITTEN DECLARATION OF SHARON DIARAM

1. My name is Sharon Diaram. I am currently employed by Florida Power & Light Company 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.

Sharon Diaram

Sharon Diaram
2022.01.12 10:42:34 -05'00'

Sharon Diaram

Date: 1/12/22

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for evaluation of Hurricane Isaias and Tropical Storm Eta storm costs, by Florida Power & Light Company.

Docket No: 20210178-EI

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 to 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: 1/12/2022