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January 21, 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

**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
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. 8, 13, 26 and 28. 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) 694-3850 or kate.cotner@fpl.com.

- COM _____
- AFD 1 Exh "B" _____
- APA _____
- ECO _____
- ENG _____
- GCL _____
- IDM _____
- CLK _____

Sincerely,

/s/ Kate Cotner
Kate Cotner
Florida Bar No. 60581

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COMMISSION
CLERK

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 21, 2022

**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. 8, 13, 26 and 28)**

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. 8, 13, 26 and 28 ("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 21, 2022. This request is being filed to request confidential classification of certain information contained in its responses to OPC's First Request for Production of Documents, Nos. 8, 13, 26 and 28, 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 Thomas Allain, David Hughes, Clare Gerard 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 21st day of January 2022.

Kate Cotner
Principal Attorney
Kate.Cotner@fpl.com
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 694-3850
Facsimile: (561) 691-7135

By: /s/ Kate Cotner
Kate Cotner
Florida Bar No. 60581

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 21st 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
jcrawfor@psc.state.fl.us
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Richard Gentry
Patricia A. Christensen
Anastacia Pirrello
Office of Public Counsel
111 W. Madison Street, Room 812
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Gentry.richard@leg.state.fl.us
Christensen.patty@leg.state.fl.us
Pirrello.anastacia@leg.state.fl.us

s/ Kate Cotner

Kate Cotner
Florida Bar No. 60581

EXHIBIT B

The documents responsive to OPC's First Request for Production of Documents No. 8, Bates No. 027342-029044, are confidential in their entirety.

The documents responsive to OPC's First Request for Production of Documents No. 13, Bates No. 029159-029179, are confidential in their entirety.

The documents responsive to OPC's First Request for Production of Documents No. 26, Bates No. 029059-029110, are confidential in their entirety.

The documents responsive to OPC's First Request for Production of Documents No. 28, Bates No. 029055-029058, are confidential in their entirety.

EXHIBIT C

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. 8, 26 and 28
DATE: January 21, 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. 8	027342	028275	Eta Expense Reports	All	(d) (e)	Jorge Gutierrez
OPC 1 st POD, No. 8	028276	029044	Isaias Purchase Orders	All	(d) (e)	Jorge Gutierrez
OPC 1 st POD, No. 13	029159	029159	Isaias Internal Order Letter	All	(d) (e)	David Hughes
OPC 1 st POD, No. 13	029160	029160	Eta Internal Order Letter	All	(d) (e)	David Hughes
OPC 1 st POD, No. 13	029161	029164	FPL Storm Compensation Policy	All	(d) (e)	David Hughes
OPC 1 st POD, No. 13	029165	029174	SOX Narratives	All	(d) (e)	David Hughes
OPC 1 st POD, No. 13	029175	029179	Accounting for Uninsured Losses	All	(d) (e)	David Hughes
OPC 1 st POD, No. 26	029059	029089	Eta Power Delivery Performance Report	All	(d) (e)	Thomas Allain
OPC 1 st POD, No. 26	029090	029110	Isaias Power Delivery Performance Report	All	(d) (e)	Thomas Allain
OPC 1 st POD, No. 28	029055	029058	Storm Cost Finalization Review	All	(d) (e)	Clare Gerard

EXHIBIT D

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

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 DAVID HUGHES

1. My name is David Hughes. I am currently employed by Florida Power & Light Company ("FPL") as Assistant Controller. 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.


David Hughes

Date: 1/20/2022

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 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 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.

Thomas Allain

Thomas Allain

Date: 1/21/2022

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 CLARE GERARD

1. My name is Clare Gerard. I am currently employed by Florida Power & Light Company ("FPL") as Vice President of Risk and Credit Exposure Management. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A Gulf Power Company'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 Gulf 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 Gulf to contract for goods or services on favorable terms. Additionally, the documents and files that I have reviewed and which are asserted by Gulf 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, 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.



Clare Gerard

Date: 1-13-2022