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April 19, 2022

-VIA ELECTRONIC FILING -

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

Re: Docket No. 20220001-EI

Dear Mr. Teitzman:

Attached for electronic filing in the above docket Florida Power & Light Company's ("FPL") First Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 2020-007-4-1. The request includes First Revised Exhibit D.

Exhibit D consists of the declaration in support of FPL's First Request for Extension of Confidential Classification.

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

Sincerely,

s/ David M. Lee
David M. Lee

Enclosure

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchase power cost recovery
clause with generating performance incentive
factor

Docket No: 20220001-EI

Date: April 19, 2022

**FLORIDA POWER & LIGHT COMPANY’S FIRST REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 2020-007-4-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”) requests confidential classification of certain material provided to the Staff of the Florida Public Service Commission (“Staff”) pursuant to Audit Control No. 2020-007-4-1 (“the Audit”). In support of this request, FPL states as follows:

1. On May 26, 2020, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D (“May 26, 2020 Request”). By Order No. PSC-2020-0387-CFO-EI, dated October 19, 2020 (“Order 0387”), the Commission granted FPL’s May 26, 2020 Request. FPL adopts and incorporates by reference the May 26, 2020 Request and Order 0387.

2. The period of confidential treatment granted by Order 0387 will soon expire. The Confidential Information that was the subject of FPL’s May 26, 2020 Request and Order 0387 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

3. All of the information designated in Exhibits A, B and C to FPL’s May 26, 2020 First Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached herein.

4. Also included as First Revised Exhibit D is the declaration of Gerard J. Yupp in support of this request.

5. The Confidential Information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, 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.

6. As explained more fully in the declaration included as First Revised Exhibit D, certain documents contain 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. This information is protected by Section 366.093(3)(d), Fla. Stat.

7. Also, certain documents contain information relating to competitive interests, the disclosure of which would impair the competitive business of FPL and its vendors. This information is protected by Section 366.093(3)(e), Fla. Stat.

8. Nothing has changed since the Commission entered Order 0387 to render the Confidential Information identified in Exhibits A and C to the May 26, 2020 Request stale or public, such that continued confidential treatment would not be appropriate.

9. Upon Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted remains protected from disclosure up to 18 months unless good cause is shown to grant protection from disclosure for a longer period. Currently, the Commission retains audit reports for period of seven years at which time the audit materials are returned to FPL unless

Commission staff or another affected person requests that these audit materials continue to be retained. The nature of these materials will not change in the next three years. Therefore, to promote administrative efficiency, FPL requests confidential classification for a period of thirty-six (36) months. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional thirty-six (36) month period 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.

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,

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By: s/ David M. Lee
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CERTIFICATE OF SERVICE
Docket No. 20220001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification has been furnished by electronic mail on this 19th day of April 2022 to the following:

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By: s/ David M. Lee
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Florida Bar No. 103152

FIRST REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchase Power Cost Recovery
Clause with Generating Performance Incentive
Factor

Docket No. 20220001-EI

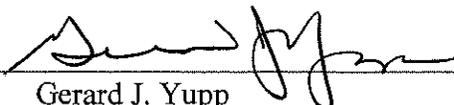
DECLARATION OF GERARD J. YUPP

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations in the Energy Marketing and Trading business unit. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed Exhibit C, and the documents that were included in Exhibit A to FPL's May 26, 2020 Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 2020-007-4-1 for which I was designated as the declarant. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute data such as pricing and other terms, payment records, and vendor and supplier rates. Specifically, the documents include information related to the purchase or sale of energy and capacity, natural gas, and natural gas storage. The disclosure of this information would impair the efforts of FPL to contract for energy and capacity-related goods or services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a disadvantage when coupled with other information that is publicly available. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-2020-0387-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of not less than 36 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.



Gerard J. Yupp

Date: 4/15/22