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May 16, 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. 20220010-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 Set of Interrogatories, Nos. 27 and 44, and First Request for Production of Documents No. 1. 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, some of which are voluminous and are included in electronic format on a disk. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted, for responses that are confidential in their entirety, and insert page is included. 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.

- COM  Please contact me if you or your Staff have any questions regarding this filing.
- AFD
- APA
- ECO
- ENG
- GCL
- IDM  1 Exh "B"
- 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: Storm Protection Cost Recovery Clause

Docket No. 20220010-EI

Filed: May 16, 2022

**FLORIDA POWER & LIGHT COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED IN RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S  
FIRST SET OF INTERROGATORIES NOS. 27 AND 44, AND  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1**

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 Set of Interrogatories, Nos. 27 and 44, and First Request for Production of Documents No. 1, (the "Confidential Documents"). In support of this Request, FPL states as follows:

1. This Request is being filed 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, some of these documents are voluminous and so are included in electronic format on a disk.

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, for responses that are entirely confidential, an insert page is included.

- 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 Thomas Allain and Sharon Diaram 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 contains security measures, systems or procedures, as well as information related to competitive interests, the disclosure of which would impair the competitive business of FPL. This information is protected by Sections 366.093(3)(c) 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 16th day of May 2022

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing<sup>1</sup> has been furnished by Electronic Mail to the following parties of record this 16th day of May 2022 to the following:

<p>Bianca Lherisson Shaw Stiller Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399 <a href="mailto:blheriss@psc.state.fl.us">blheriss@psc.state.fl.us</a> <a href="mailto:sstiller@psc.state.fl.us">sstiller@psc.state.fl.us</a> <b><i>For Commission Staff</i></b></p>	<p>Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 <a href="mailto:gentry.richard@leg.state.fl.us">gentry.richard@leg.state.fl.us</a> <a href="mailto:christensen.patty@leg.state.fl.us">christensen.patty@leg.state.fl.us</a> <a href="mailto:morse.stephanie@leg.state.fl.us">morse.stephanie@leg.state.fl.us</a> <a href="mailto:pirrello.anastacia@leg.state.fl.us">pirrello.anastacia@leg.state.fl.us</a> <a href="mailto:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a> <a href="mailto:wessling.mary@leg.state.fl.us">wessling.mary@leg.state.fl.us</a> <b><i>For Office of Public Counsel</i></b></p>
<p>J. Jeffrey Wahlen Malcolm M. Means Ausley McMullen Post Office Box 391 Tallahassee, Florida 32302 <a href="mailto:jwahlen@ausley.com">jwahlen@ausley.com</a> <a href="mailto:mmeans@ausley.com">mmeans@ausley.com</a></p> <p>Ms. Paula K. Brown Regulatory Affairs P. O. Box 111 Tampa FL 33601-0111 <a href="mailto:regdept@tecoenergy.com">regdept@tecoenergy.com</a> <b><i>For Tampa Electric Company</i></b></p>	<p>Beth Keating Gunster, Yoakley &amp; Stewart, P.A. 215 South Monroe St., Suite 601 Tallahassee, FL 32301 <a href="mailto:BKeating@gunster.com">BKeating@gunster.com</a></p> <p>Mr. Mike Cassel 208 Wildlight Ave. Yulee FL 32097 (904) 491-4361 <a href="mailto:mcassel@fpuc.com">mcassel@fpuc.com</a> <b><i>For Florida Public Utilities Company</i></b></p>
<p>Peter J. Mattheis Michael K. Lavanga Joseph R. Briscar Stone Mattheis Xenopoulos &amp; Brew, PC 1025 Thomas Jefferson Street, NW Suite 800 West Washington DC 20007 <a href="mailto:jrb@smxblaw.com">jrb@smxblaw.com</a> <a href="mailto:mkl@smxblaw.com">mkl@smxblaw.com</a> <a href="mailto:pjm@smxblaw.com">pjm@smxblaw.com</a></p> <p>Corey Allain 22 Nucor Drive Frostproof FL 33843 <a href="mailto:corey.allain@nucor.com">corey.allain@nucor.com</a> <b><i>For NuCor Steel Florida, Inc.</i></b></p>	<p>Dianne M. Triplett Deputy General Counsel Duke Energy Florida, LLC 299 First Avenue North St. Petersburg, FL 33701 <a href="mailto:Dianne.Triplett@Duke-Energy.com">Dianne.Triplett@Duke-Energy.com</a></p> <p>Matthew R. Bernier Robert L. Pickels Stephanie A. Cuello 106 E. College Avenue, Suite 800 Tallahassee FL 32301 <a href="mailto:FLRegulatoryLegal@duke-energy.com">FLRegulatoryLegal@duke-energy.com</a> <a href="mailto:matthew.bernier@duke-energy.com">matthew.bernier@duke-energy.com</a> <a href="mailto:robert.pickels@duke-energy.com">robert.pickels@duke-energy.com</a> <a href="mailto:stephanie.cuello@duke-energy.com">stephanie.cuello@duke-energy.com</a> <b><i>For Duke Energy Florida, LLC</i></b></p>

<sup>1</sup> The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

<p>Jon C. Moyle, Jr.  Moyle Law Firm, P.A.  118 North Gadsden Street  Tallahassee, Florida 32301  <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a>  <a href="mailto:mqualls@moylelaw.com">mqualls@moylelaw.com</a>  <b><i>For Florida Industrial Power Users Group</i></b></p>	<p>James W. Brew  Laura Wynn Baker  Stone Mattheis Xenopoulos &amp; Brew, PC  1025 Thomas Jefferson Street, NW  Suite 800 West  Washington, DC 20007-5201  <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a>  <a href="mailto:lwb@smxblaw.com">lwb@smxblaw.com</a>  <b><i>For PCS Phosphate - White Springs</i></b></p>
<p>Stephanie U. Eaton  SPILMAN THOMAS &amp; BATTLE, PLLC  110 Oakwood Drive, Suite 500  Winston-Salem, NC 27103  <a href="mailto:seaton@spilmanlaw.com">seaton@spilmanlaw.com</a></p> <p>Derrick Price Williamson  Barry A. Naum  SPILMAN THOMAS &amp; BATTLE, PLLC  1100 Bent Creek Boulevard, Suite 101  Mechanicsburg, PA 17050  <a href="mailto:dwilliamson@spilmanlaw.com">dwilliamson@spilmanlaw.com</a>  <a href="mailto:bnaum@spilmanlaw.com">bnaum@spilmanlaw.com</a>  <b><i>For Walmart Inc.</i></b></p>	

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

# **EXHIBIT B**

**REDACTED**

**Florida Power & Light Company  
Docket No. 20220010-EI  
OPC's 1st Set of Interrogatories  
Interrogatory No. 27  
Page 1 of 1**

**Confidential Attachment II to OPC's First Set of Interrogatories No. 27 is confidential in its entirety.**



**Florida Power & Light Company  
Docket No. 20220010-EI  
OPC's 1st Set of Interrogatories  
Interrogatory No. 44  
Page 1 of 1**

**Confidential Attachments to OPC's First Set of Interrogatories No. 44 are confidential in their entirety.**

**Florida Power & Light Company  
Docket No. 20220010-EI  
OPC's First Request for Production  
Request No. 1  
Page 1 of 1**

**Documents responsive to OPC's First Request for Production No. 1 (Bates Nos. SPPCRC-22-000001 through SPPCRC-22-000011) are confidential in their entirety.**

# **EXHIBIT C**

## **JUSTIFICATION TABLE**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET NO.:** 20220010-EI  
**DOCKET TITLE:** Storm Protection Plan Cost Recovery Clause  
**SUBJECT:** FPL's Responses to OPC's First Request for Production (No. 1)  
FPL's Responses to OPC's First Set of Interrogatories (Nos. 27 & 44)  
**DATE:** May 16, 2022

<b>OPC's First Set</b>	<b>Bates Nos. / Page Nos.</b>	<b>Description</b>	<b>Line No./ Col. No.</b>	<b>Florida Statute 366.093(3) Subsection</b>	<b>Declarant</b>
OPC's First Request for PODs No. 1	SPPCRC-22-000001 through SPPCRC-22-000011	Phillips Inlet Substation and Hathaway Substation plans for substation flood monitoring and hardening	ALL	(c)	T. Allain
OPC's First Set of Ints No. 27 Attachment II	ALL	Maps: Distribution Feeder Hardening Program	ALL	(c)	T. Allain
OPC's First Set of Ints No. 44 Attachment	ALL	Engineering Services Contractors	ALL	(c)	S. Diaram

**EXHIBIT D**

**DECLARATIONS**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Storm Protection Plan Cost Recovery  
Clause

Docket No: 20220010-EI

**DECLARATION OF THOMAS ALLAIN**

1. My name is Thomas Allain. I am currently employed by Florida Power & Light Company ("FPL") as Director Compliance & 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 security measures, systems or procedures. Specifically, the confidential documents contain schemata information pertaining to Transmission and Distribution facilities that, if disclosed publicly, could impair the security of the plants. 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: May 13, 2022

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Storm Protection Plan Cost Recovery  
Clause

Docket No: 20220010-EI

**DECLARATION OF SHARON DIARAM**

1. My name is Sharon Diaram. I am currently employed by Florida Power & Light Company ("FPL") as Sr Mgr Compliance & Support Svcs, Supply Chain. 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. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business relate to the security of FPL assets and/or facilities. Specifically, the confidential documents contain schemata information pertaining to Transmission and Distribution facilities that, if disclosed publicly, could impair the security of the plants. 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  
2022.05.12 16:20:48  
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Sharon Diaram

Date: May 12, 2022