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July 26, 2022

**VIA HAND DELIVERY**

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

**REDACTED**

COMMISSION  
CLERK

2022 JUL 26 PM 12:36

RECEIVED-FPSC

**Re: Docket No. 20160186-EI**

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Third Request for Extension of Confidential Classification of certain material provided to the Staff of the Florida Public Service Commission pursuant to Audit Control No. 2016-295-1-1. The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the confidential documents, wherein all the information that FPL asserts is entitled to confidential treatment has been highlighted, that is the subject of FPL's Request for Confidential Classification. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains the declaration in support of FPL's Request. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Request for Confidential Classification.

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

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

Enclosure

Sincerely,  
  
David M. Lee

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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Increase in Rates by Gulf Power Company

Docket No: 20160186-EI

Date: July 26, 2022

**FLORIDA POWER & LIGHT COMPANY'S THIRD  
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 2016-295-1-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL")<sup>1</sup> hereby submits its Third Request for Extension of Confidential Classification of certain material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Staff's audit of pre-consolidated Gulf Power Company's ("Gulf") 2016 Petition for an Increase in Rates in the above referenced matter, Audit No. 2016-295-1-1 ("Confidential Information"). In support of this Request, FPL states as follows:

1. On January 27, 2017, Gulf filed a request for confidential classification of the Confidential Information in Docket No. 20160186-EI ("January 25, 2017 Request"). By Order No. PSC-2017-0082-CFO-EI, dated March 2, 2017 ("Order 0082"), the Commission granted Gulf's January 25, 2017 Request. FPL adopts and incorporates by reference the January 27, 2017 Request and Order 0082.

2. On September 6, 2018, Gulf filed a Request for Extension of Confidential Classification ("September 6, 2018 Request"). By Order No. PSC-2019-0126-CFO-EI, dated April 11, 2019 ("Order 0126"), the Commission granted Gulf's September 6, 2018 Request. FPL adopts and incorporates by reference the September 6, 2018 Request and Order 0126.

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<sup>1</sup> As of January 1, 2022, Gulf Power Company ("Gulf") no longer exists as a separate utility. FPL and the former Gulf Power Company are one consolidated ratemaking entity. The original Request for Confidential Classification and the underlying data submitted with that filing pertains to pre-consolidation operations of Gulf.

3. On October 13, 2020, Gulf filed a Second Request for Extension of Confidential Classification (“October 13, 2020 Request”). By Order No. PSC-2020-0417-CFO-EI, dated November 6, 2020 (“Order 0417”), the Commission granted Gulf’s October 13, 2020 Request. FPL adopts and incorporates by reference the October 13, 2020 Request and Order 0417.

4. The period of confidential treatment granted by Order 0417 is expiring. Some of the Confidential Information that was the subject of Gulf’s October 13, 2020 Request and Order 0417 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Fla. Stat. Accordingly, FPL hereby submits its Third Request for Extension of Confidential Classification.

5. Some of the information designated in the October 13, 2020 Request remains confidential. Included with this request are First Revised Exhibit A, First Revised Exhibit B, and First Revised Exhibit C to reduce the number of pages for which confidential treatment is sought. FPL has identified in First Revised Exhibits A, B and C all the information in work papers that warrants continued confidential treatment. First Revised Exhibit C is a table that identifies the specific pages, lines or columns that remain confidential. The table also references the specific statutory basis for confidentiality and the declarant who support the requested classification.

6. Included as Exhibit D is the declaration of Gerard J. Yupp in support of this request.

7. The Confidential Information is intended to be and has been treated by pre-consolidation Gulf and FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, Fla. Stat., such information is entitled to confidential treatment and is 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.

5. As stated in pre-consolidation Gulf's original request and the declaration included as Exhibit D, the Confidential Information contains information concerning 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, as well as information relating to competitive interests, the disclosure of which would impair the competitive interests of FPL. Specifically, this information reflects capacity revenues received by pre-consolidated Gulf under unit power sales agreements between pre-consolidation Gulf and various counterparties. This information is specific to individual contracts and is regarded by both FPL and counterparties as confidential. Disclosure of this information could enable third parties to back calculate contractual pricing terms which are specific to the individual contracts and are not publicly known. Furthermore, disclosure of the pricing terms may result in counterparties refusing to conduct business with FPL, or they may charge higher prices, thus negatively impacting FPL's ability to negotiate payment terms favorable to its customers in future power purchase and sale agreements. This information is protected by Sections 366.093(3)(d) and (e), Fla. Stat.

7. 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 Third Request for Extension of Confidential Classification be granted.

Respectfully submitted,

Russell A. Badders  
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David M. Lee  
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By:   
\_\_\_\_\_  
David M. Lee  
Florida Bar No. 103152

**CERTIFICATE OF SERVICE**  
**Docket No. 20160186-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing\* has been furnished by electronic mail on this 26th day of July 2022 to the following:

Suzanne Brownless  
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**Florida Public Service Commission**  
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By:   
David M. Lee  
Florida Bar No. 103152

\*Copies of Attachments B and C are available upon request.

**Docket No. 20160186-EI**

**EXHIBIT “B”**

**WORKPAPERS FOR ACN 2016-295-1-1**

PY UPS NOI-3

11/16 DB

Change in Law Capacity Revenue  
Gulf Budget File  
Summary

	2016	2017
Duke Revenue Requirement on Capital		
Progress O&M (FOM) - CEMS		
Duke O&M (FOM) - Baghouse		
Duke O&M (FOM) - SCR		
Duke O&M (FOM) - Scrubber		
Duke Total		
Flint Revenue Requirement (Capital & Exps) CEMS		
Flint Revenue Requirement (Capital & Exps) Baghouse		
Flint Revenue Requirement (Capital & Exps) - SCR		
Flint Revenue Requirement (Capital & Exps) Scrubber		
Flint Total		
Total		

P  
NOI-2

CONFIDENTIAL

Gulf Power Company  
Rate Case Audit  
Historical Test Year Ended December 31, 2015  
Dkt. 160186-EJ : ACN 16-295-1-1;  
Description: WP 05 - UPS Adj.

SOURCE 

TY UPS NOI - 3  
11/16 DB

Change in Law Capacity Revenue  
Gulf Budget File  
Summary

	2016	2017
Duke Revenue Requirement on Capital		
Progress O&M (FOM) - CEMS		
Duke O&M (FOM) - Baghouse		
Duke O&M (FOM) - SCR		
Duke O&M (FOM) - Scrubber		
Duke Total		
Flint Revenue Requirement (Capital & Exps) CEMS		
Flint Revenue Requirement (Capital & Exps) Baghouse		
Flint Revenue Requirement (Capital & Exps) - SCR		
Flint Revenue Requirement (Capital & Exps) Scrubber		
Flint Total		
Total		65-12.1 TY UPS NOI - 2

Gulf Power Company  
Rate Case Audit  
Historical Test Year Ended December 31, 2015  
Dkt. 160186-E1; ACN 16-295-1-1;  
Description: WP 105-UPS Adj.

CONFIDENTIAL

FIRST REVISED EXHIBIT C

COMPANY: Florida Power & Light Company  
 TITLE: List of Confidential Work Papers  
 AUDIT: Gulf Power 2016 Rate Case Audit  
 AUDIT CONTROL NO.: 2016-295-1-1  
 DOCKET NO.: 20160186-EI

**Bold denotes revision to reduce the amount of confidential classification previously requested or a new declarant**

Work Paper No.	Description	No. of Pages	Conf. Y/N	Line No. Column No.	Florida Statute 366.093 (3) Subsection	Declarant
10-39.2 to 10-39.4	<b>Accounting for Additions and Retirements of Property</b>	3	N	N/A		
65-5	<b>UPS NOI Adjustments</b>	1	N	N/A		
65-5.1	<b>UPS Income Taxes</b>	1	N	N/A		
65-9.1	<b>Energy Revenue Calculation</b>	1	N	N/A		
65-9.2	Change in Law Capacity Revenue	1	Y	2016 and 2017 Columns	(d)(e)	Gerard J. Yupp
65-9.14	<b>UPS Income Taxes</b>	1	N	N/A		
65-12.1	<b>Energy Revenue Calculation</b>	1	N	N/A		
65-12.2	Change in Law Capacity Revenue	1	Y	2016 and 2017 Columns	(d)(e)	Gerard J. Yupp
65-15	<b>UPS Income Taxes</b>	1	N	N/A		

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Rate Increase by Gulf Power  
Company

Docket No: 20160186-EI

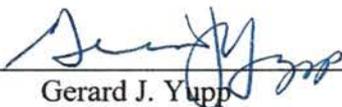
**DECLARATION OF GERARD J. YUPP**

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

2. I have reviewed Exhibit C and the documents and information included in Exhibit A of FPL's Request for Confidential Classification. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information contain information concerning 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, as well as information relating to competitive interests, the disclosure of which would impair the competitive interests of FPL. Specifically, this information reflects capacity revenues received by Gulf under unit power sales agreements between the former Gulf Power and various counterparties. Disclosure of this information could enable third parties to back calculate contractual pricing terms which are specific to the individual contracts and are not publicly known. This information is regarded by both FPL and counterparties as confidential. Furthermore, disclosure of the pricing terms may result in counterparties refusing to conduct business with FPL, or they may charge higher prices, negatively impacting FPL's ability to negotiate payment terms favorable to its customers in future power sales agreements. 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.

  
\_\_\_\_\_  
Gerard J. Yupp

Date: 7/25/22