



**William P. Cox**  
**Senior Attorney**  
**Florida Power & Light Company**  
**700 Universe Boulevard**  
**Juno Beach, FL 33408-0420**  
**(561) 304-5662**  
**(561) 691-7135 (Facsimile)**  
**Email: Will.P.Cox@fpl.com**

FILED 10/21/2022  
DOCUMENT NO. 09814-2022  
FPSC - COMMISSION CLERK

October 21, 2022

**-VIA ELECTRONIC FILING -**

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

**Re: Docket No. 20220002-EI**

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Second Request for Extension of Confidential Classification of certain material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 2017-024-4-1 ("the Audit").

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

Sincerely,

s/ William P. Cox  
William P. Cox

Enclosure

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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation Cost Recovery  
Clause

Docket No: 20220002-EG  
Date: October 21, 2022

**FLORIDA POWER AND LIGHT COMPANY’S SECOND REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
OF INFORMATION PROVIDED PURSUANT TO AUDIT NO. 17-024-4-1**

Pursuant to Section 366.093, Florida Statutes (“Section 366.093”), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”) hereby submits its Second Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 17-024-4-1 (“Confidential Information”). In support of this request, FPL states as follows:

1. On June 26, 2017, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D (“June 26, 2017 Request”). By Order No. PSC-2017-0380-CFO-EG, dated October 3, 2017 (“Order 0380”), the Commission granted FPL’s June 26, 2017 Request. FPL adopts and incorporates by reference the June 26, 2017 Request and Order 0380.

2. On April 2, 2019 FPL filed its First Request for Extension of Confidential Classification of the Confidential Information, which included First Revised Exhibit D (“April 3, 2019 Request”). By Order No. PSC-2019-0449-CFO-EG, dated October 23, 2019 (“Order 0449”), the Commission granted FPL’s April 3, 2019. FPL adopts and incorporates by reference the April 2, 2019 Request and Order 0449.

3. The period of confidential treatment granted by Order 0449 will soon expire. The Confidential Information that was the subject of FPL’s April 2, 2019 Request and Order 0449 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

4. All the information designated in Exhibits A, B and C to the June 26, 2017 Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached here.

5. The declaration of John Floyd in support of this Request is included as Second Revised Exhibit D.

6. 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.

7. As the declaration included in Second Revised Exhibit D indicates, certain documents include competitively sensitive information, the disclosure of which would impair the competitive business of the provider of the information. Additionally, certain documents contain information that relates to customer-specific account information, which if disclosed would impair FPL's competitive interests. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, and account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent. This information is protected pursuant to Section 366.093(3)(e), Fla. Stat.

8. Nothing has changed since the Commission entered Order 0449 to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

9. 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. (2017).

**WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials included with or incorporated in this Request, Florida Power & Light Company respectfully requests that its Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

William P. Cox, Esq.  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5662  
Facsimile: (561) 691-7135  
Email: maria.moncada@fpl.com

By: s/ William P. Cox  
William P. Cox  
Florida Bar No. 0093531

**CERTIFICATE OF SERVICE**  
**Docket No. 20220002-EG**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery on this 21<sup>st</sup> day of October, 2022 to the following:

Jacob Imig  
Walter Trierweiler  
Office of the General Counsel  
**Florida Public Service Commission**  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
jimig@psc.state.fl.us  
wtrierwe@psc.state.fl.us

J. Jeffrey Wahlen  
Malcolm N. Means  
Virginia Ponder  
Ausley & McMullen  
P.O. Box 391  
Tallahassee, Florida 32302  
jwahlen@ausley.com  
mmeans@ausley.com  
vponder@ausley.com  
**Attorneys for Tampa Electric Company**

Paula K. Brown, Manager  
**Tampa Electric Company**  
Regulatory Coordinator  
Post Office Box 111  
Tampa, Florida 33601-0111  
regdept@tecoenergy.com

Jon C. Moyle, Jr.  
Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, FL 32301  
jmoyle@moylelaw.com  
mqualls@moylelaw.com  
**Attorneys for Florida Industrial Power Users Group**

Mike Cassel  
Vice President/Government and  
Regulatory Affairs  
**Florida Public Utilities Company**  
208 Wildlight Ave.  
Yulee, Florida 32097  
mcassel@fpuc.com

Michelle D. Napier  
Director, Regulatory Affairs Distribution  
**Florida Public Utilities Company**  
1635 Meathe Drive  
West Palm Beach, FL33411  
mnapier@fpuc.com

Richard Gentry  
Patricia A. Christensen  
Charles J. Rehwinkel  
Mary Wessling  
**Office of Public Counsel**  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400  
gentry.richard@leg.state.fl.us  
christensen.patty@leg.state.fl.us  
rehwinkel.charles@leg.state.fl.us  
wessling.mary@leg.state.fl.us

Matthew R. Bernier  
Stephanie A. Cuello  
Robert L. Pickels  
106 East College Avenue, Suite 800  
Tallahassee, Florida 32301  
matthew.bernier@duke-energy.com  
Stephanie.cuello@duke-energy.com  
Robert.pickels@duke-energy.com  
FLRegulatoryLegal@duke-energy.com

Beth Keating  
Gunster Law Firm  
215 South Monroe St., Suite 601  
Tallahassee, Florida 32301-1804  
bkeating@gunster.com  
**Attorneys for Florida Public Utilities Company**

James W. Brew  
Laura Wynn Baker  
Stone Mattheis Xenopoulos & Brew, P.C.  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, DC 20007  
jbrew@smxblaw.com  
lwb@smxblaw.com  
**Attorneys for PCS Phosphate-White Springs**

Mr. George Cavros  
**Southern Alliance for Clean Energy**  
120 E. Oakland Park Blvd., Suite 105  
Ft. Lauderdale, FL 33334  
george@cavros-law.com

Ms. Dianne M. Triplett  
299 First Avenue North  
St. Petersburg, FL 33701  
dianne.triplett@duke-energy.com  
**Attorneys and Staff for Duke Energy  
Florida, LLC**

Peter J. Mattheis  
Michael K. Lavanga  
Joseph R. Briscar  
Stone Mattheis Xenopoulos & Brew, PC  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, DC 20007-5201  
pjm@smxblaw.com  
mkl@smxblaw.com  
jrb@smxblaw.com  
**Attorneys for Nucor Steel Florida, Inc.**

By: /s/William P. Cox  
William P. Cox

**SECOND REVISED EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation Cost Recovery  
Clause

Docket No: 20220002-EG

**DECLARATION OF JOHN FLOYD**

1. My name is John Floyd. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Demand Side Management Regulatory. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed Exhibit C and the documents that are included in Exhibit A to FPL's Second Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 17-024-4-1. The documents or materials contain or constitute competitively sensitive information, the disclosure of which could impair the competitive business of the provider of the information. Specifically, some the information reflects negotiated terms with third party vendors for services related to advertisement expenses and other services associated with FPL's demand side management programs. The disclosure of this information would impair the competitive business of FPL and its vendor and would also impair the efforts of FPL to contract for good and services on favorable terms. The materials also include data regarding incentive pay out to qualified customers as well as customer specific account information. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent. 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-2019-0449-CFO-EG 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.

  
\_\_\_\_\_  
JOHN FLOYD

Date: October 12, 2022