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COMMISSION  
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June 5, 2023

**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. 20230001-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") Request for Confidential Classification of certain information provided in response to the Staff of Florida Public Service Commission's ("Staff") First Request for Production of Documents, Nos. 1 and 2, and Third Set of Interrogatories, No. 8. The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the confidential documents with all the information that FPL asserts is entitled to confidential treatment highlighted in yellow or are being provided in electronic format on a compact disk labeled confidential. As the documents in Exhibit A are confidential in their entirety, Exhibit B consists of only insert pages with the identifying Bates numbers for each document in Exhibit A. 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.

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

- COM \_\_\_\_\_
- AFD 1 ~~2~~ "B" \_\_\_\_\_
- APA \_\_\_\_\_
- ECO \_\_\_\_\_
- ENG \_\_\_\_\_
- GCL \_\_\_\_\_
- IDM \_\_\_\_\_
- CLK \_\_\_\_\_

Enclosures

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

Sincerely,  
  
David M. Lee

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 20230001-EI

Filed: June 5, 2023

**FLORIDA POWER & LIGHT COMPANY’S REQUEST FOR CONFIDENTIAL  
CLASSIFICATION OF INFORMATION PROVIDED IN RESPONSE TO  
THE STAFF OF FLORIDA PUBLIC SERVICE COMMISSION’S FIRST  
REQUEST FOR PRODUCTION OF DOCUMENTS (Nos. 1 and 2)  
AND THIRD SET OF INTERROGATORIES (No. 8)**

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 Staff of the Florida Public Service Commission’s (“Staff”) First Request for Production of Documents (Nos. 1 and 2) and Third Set of Interrogatories (No. 8) (the “Confidential Documents”). In support of this Request, FPL states as follows:

1. On May 4, 2023, Staff served its First Request for Production of Documents and Third Set of Interrogatories on FPL. FPL’s Response to Staff’s First Request for Production of Documents Nos. 1 and 2, and Third Set of Interrogatories, No. 8, contains information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its response to Staff’s First Request for Production of Documents Nos. 1 and 2, and Third Set of Interrogatories, No. 8 on June 5, 2023. This request is being filed contemporaneously with the service of the response to request confidential classification of the Confidential Documents consistent with Rule 25-22.006, Florida Administrative Code.

3. The following exhibits are attached to and made a part of this Request:

- a. Exhibit A consists of the confidential documents that either all the information that FPL asserts is entitled to confidential treatment is

highlighted in yellow or are being provided in native electronic format on a compact disk labeled as confidential.<sup>1</sup>

- b. Exhibit B is an edited version of Exhibit A. As the documents in Exhibit A are confidential in their entirety, Exhibit B consists of only insert pages with the identifying Bates numbers for each document in Exhibit A.
- c. Exhibit C is a table that identifies the confidential information 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 Andrew Whitley and Kelly Fagan in support of this Request.

4. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. 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.

5. As the descriptions included in Exhibit C and the declarations included in Exhibit D indicate, the Confidential Documents contain information that relate to the competitive interest

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<sup>1</sup> The confidential documents responsive to Staff’s First Request for Production of Documents No. 1 and Third Set of Interrogatories, No. 8 are being provided in native electronic format on compact disk, and the confidential documents responsive to Staff’s First Request for Production of Documents No. 2 are being provided as hard copies with all confidential information highlighted.

of FPL, and if made public, would impair the competitive business interests of FPL. Specifically, the information contains or constitutes information related to long-term load forecasts. This information is protected by Sections 366.093(3)(e), F.S.

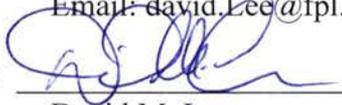
6. Additionally, the Confidential Documents contain information that if made public, would impair the efforts of FPL to contract for goods or services on favorable terms. Specifically, the information contains vendor bids for goods and services related to construction projects. This information is protected by Sections 366.093(3)(d), F.S.

7. 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) months 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,

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

**CERTIFICATE OF SERVICE**  
**Docket 20230001-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery on this 5<sup>th</sup> day of June 2023 to the following:

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By:



David M. Lee  
Florida Bar No. 103152

**Docket No. 20230001-EI**

**EXHIBIT “B”**

**REDACTED**

**FPL’s RESPONSES TO STAFF’S FIRST  
REQUEST FOR PRODUCTION OF  
DOCUMENTS (Nos. 1 & 2) AND THIRD SET OF  
INTERROGATORIES (No. 8)**

**REDACTED VERSION OF CONFIDENTIAL DOCUMENTS**

The document responsive to Staff's 1<sup>st</sup> POD, No. 1, Attachment 1-4, "Long-Term Forecast FPL Methodology" [Bates Nos. FCR-23-000640 to FCR-23-000644] is confidential in its entirety.

**REDACTED VERSION OF CONFIDENTIAL DOCUMENTS**

The document responsive to Staff's 1<sup>st</sup> POD, No. 1, Attachment 1-5, "Gulf Power Curves," [Bates Nos. FCR-23-000645 to FCR-23-000671] is confidential in its entirety.

## **REDACTED VERSION OF CONFIDENTIAL DOCUMENTS**

The document responsive to Staff's 1<sup>st</sup> POD, No. 2, Attachment "Staff POD No. 2-15 - 2024 Solar EPC Justification Letter Executed" [Bates Nos. FCR-23-000848 to FCR-23-000851] is confidential in its entirety.

## **REDACTED VERSION OF CONFIDENTIAL DOCUMENTS**

The documents responsive to Staff's 1<sup>st</sup> POD, No. 2, Attachment "Staff POD No. 2-16 - Award Summary & Analysis - FINAL" [Bates Nos. FCR-23-000852 to FCR-23-000853] is confidential in its entirety.

**REDACTED VERSION OF CONFIDENTIAL DOCUMENTS**

The document responsive to Staff's 1<sup>st</sup> POD, No. 2, Attachment 2 "Staff  
POD No. 2-17 - Justification Letter 2024 FPL Substation  
12.20.22\_TK\_JK" [Bates Nos. FCR-23-000856 to FCR-23-000858] is  
confidential in its entirety.

**REDACTED VERSION OF CONFIDENTIAL DOCUMENTS**

The document responsive to Staff's 1<sup>st</sup> POD, No. 2, Attachment "Staff POD No. 2-18- Justification Letter - 2024 FPL Transmission Lines 12\_27\_22" [Bates Nos. FCR-23-000854 to FCR-23-000855] is confidential in its entirety.

**REDACTED VERSION OF CONFIDENTIAL DOCUMENTS**

The document responsive to Staff's 1<sup>st</sup> POD, No. 2, Attachment 2 "Staff POD No. 2-19 -Attachment No. 6 Award Summary & Analysis - FPL GE inverters 2024 Projects FINAL" [Bates No. FCR-23-000860] is confidential in its entirety.

**REDACTED VERSION OF CONFIDENTIAL DOCUMENTS**

The document responsive to Staff's 3<sup>rd</sup> Set of Interrogatories, No. 8, Attachment 1 "SoBRA Cost Detail," is confidential in its entirety.

**Docket No. 20230001-EI**

**EXHIBIT “C”**

**FPL’s RESPONSES TO STAFF’S FIRST  
REQUEST FOR PRODUCTION OF  
DOCUMENTS (Nos. 1 & 2) AND THIRD SET OF  
INTERROGATORIES (No. 8)**

**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET NO.:** 20230001-EI  
**DOCKET TITLE:** Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor  
**SUBJECT:** FPL's Responses to Staff's First Request for Production of Documents, (Nos. 1 and 2) and Third Set of Interrogatories, (No. 8)  
**DATE:** June 5, 2023

Item No.	Bates Nos. / Page Nos.	Description	Line No./ Col. No.	Florida Statute 366.093(3) Subsection	Declarant
Staff 1 <sup>st</sup> POD, No. 1	FCR-23-000640 to FRC-23-000644	Att. 1-4 - Long-Term Forecast Methodology	ALL	(e)	Andrew Whitley
Staff 1 <sup>st</sup> POD, No. 1	FCR-23-000645 to FRC-23-000671	Att 1-5 - Gulf Power Curves	ALL	(e)	Andrew Whitley
Staff 1 <sup>st</sup> POD, No. 2	FCR-23-000848 to FRC-23-000851	Staff POD No. 2-15 - 2024 Solar EPC Justification Letter_Executed	ALL	(d)	Kelly Fagan
Staff 1 <sup>st</sup> POD, No. 2	FCR-23-000852 to FRC-23-000853	Staff POD No. 2-16 - Award Summary & Analysis - FINAL	ALL	(d)	Kelly Fagan
Staff 1 <sup>st</sup> POD, No.2	FCR-23-000856 to FRC-23-000858	Staff POD No. 2-17 - Justification Letter 2024 FPL Substation 12.20.22_TK_JK	ALL	(d)	Kelly Fagan
Staff 1 <sup>st</sup> POD, No. 2	FCR-23-000854 to FRC-23-000855	Staff POD No. 2-18-Justification Letter - 2024 FPL Transmission Lines 12_27_22	ALL	(d)	Kelly Fagan
Staff 1 <sup>st</sup> POD, No. 2	FCR-23-000860	Staff POD No. 2-19 -Attachment No. 6 Award Summary & Analysis - FPL GE inverters 2024 Projects FINAL	ALL	(d)	Kelly Fagan
Staff 3 <sup>rd</sup> INT, No. 8	N/A	Att. 1 - SoBRA Cost Detail	ALL	(d)	Kelly Fagan

**Docket No. 20230001-EI**

**EXHIBIT “D”**

**FPL’s RESPONSES TO STAFF’S FIRST  
REQUEST FOR PRODUCTION OF  
DOCUMENTS (Nos. 1 & 2) AND THIRD SET OF  
INTERROGATORIES (No. 8)**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No: 20230001-EI

**DECLARATION OF ANDREW W. WHITLEY**

1. My name is Andrew W. Whitley. I am currently employed by Florida Power & Light Company ("FPL") as Engineering Manager, Resources Planning. 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 FPL's Request for Confidential Classification of Information provided in response to Staff's First Request for Production of Documents, No. 1 for which I am 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 information relating to FPL's competitive interests, the disclosure of which would impair FPL's competitive business (Section 366.093(3)(e), F.S.). Specifically, the information contains or constitutes information related to FPL's long-term load forecasts. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 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.



Andrew W. Whitley

Date: 06/02/2023

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 20230001-EI

**DECLARATION OF KELLY FAGAN**

1. My name is Kelly Fagan. I am currently employed by Florida Power & Light Company ("FPL") as Projector Director, Engineering and Construction. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed Exhibit C and the documents that are included in FPL's Request for Confidential Classification of Information provided in response to Staff's First Request for Production of Documents, No. 2 and Third Set of Interrogatories, No. 8 for which I am 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 information concerning bids, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms (Section 366.093(3)(d), F.S.). Specifically, the information contains vendor bids for goods and services related to construction projects. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of least 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.

  
\_\_\_\_\_  
Kelly Fagan

Date: 6/2/2023