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July 14, 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

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COMMISSION
CLERK

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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") Fifth Set of Interrogatories, No. 13. 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. As the documents in Exhibit A are confidential in their entirety, Exhibit B consists of only an insert page 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.

Sincerely,

Jody Stupel for William Cox
William P. Cox

COM _____
AFD 1 Exh "B"
APA _____
ECO _____
ENG _____
GCL _____
IDM _____
CLK _____

Enclosures

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 purchased power cost recovery
clause with generating performance incentive
factor.

Docket No. 20230001-EI

Filed: July 14, 2023

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF INFORMATION PROVIDED IN RESPONSE TO
THE STAFF OF FLORIDA PUBLIC SERVICE COMMISSION'S
FIFTH SET OF INTERROGATORIES (No. 13)**

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") Fifth Set of Interrogatories (No. 13) (the "Confidential Documents"). In support of this Request, FPL states as follows:

1. On June 14, 2023, Staff served its Fifth Set of Interrogatories on FPL. FPL's Response to Staff's Fifth Set of Interrogatories, No. 13, contains information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its response to 's Staff's Fifth Set of Interrogatories, No. 13 on July 14, 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 wherein all the information that FPL asserts is entitled to confidential treatment is highlighted in yellow.

- 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 an insert page 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 declaration of Andrew Whitley 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, 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 declaration included in Exhibit D indicate, the Confidential Documents contain information that relate to the competitive interests of FPL, and if made public, would impair the competitive business of FPL. Specifically, the information contains or constitutes information related to projected emissions compliance costs. 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,

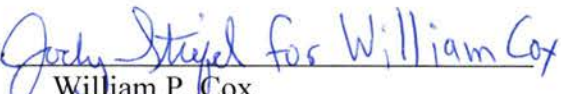
the information contains cost projections that are based on a vendor's proprietary forecast. This information is protected by Sections 366.093(3)(d), F.S.

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,

William P. Cox, Esq.
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700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5662
Facsimile: (561) 691-7135

By: 
William P. Cox
Florida Bar No. 0093531

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 14th day of July 2023 to the following:

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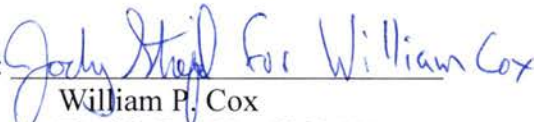
By: 
William P. Cox
Florida Bar No. 0093531

EXHIBIT B

REDACTED

REDACTED VERSION OF CONFIDENTIAL DOCUMENTS

The document responsive to Staff's 5th Set of Interrogatories, No. 13, Attachment No. 1, "2022 ICF Q3 CO2 Cost Projections" is confidential in its entirety.

EXHIBIT C

JUSTIFICATION TABLE

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 Fifth Set of Interrogatories, (No. 13)
DATE: July 14, 2023

Item No.	Description	Line No./ Col. No.	Florida Statute 366.093(3) Subsection	Declarant
Staff 5th INT, No. 13	2022 ICF Q3 CO ₂ Cost Projections	ALL	(d)(e)	Andrew Whitley

EXHIBIT D

DECLARATIONS

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 Fifth Set of Interrogatories, No. 13 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 projected emissions compliance costs. 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 cost projections that are based on a vendor's proprietary forecast (Section 366.093(3)(d), F.S.). 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: 7/10/2023