

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20230001-EI

Date: August 15, 2023

**FLORIDA POWER AND LIGHT COMPANY’S REQUEST FOR EXTENSION OF
CONFIDENTIAL CLASSIFICATION OF CERTAIN INFORMATION
PROVIDED IN SCHEDULE CCE-4 OF EXHIBIT RLH-4 TO THE
JULY 27, 2021 DIRECT TESTIMONY OF RICHARD L. HUME**

Pursuant to Section 366.093, Florida Statutes (“Section 366.093”), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”)¹ hereby submits its Request for Extension of Confidential Classification of Certain Information contained in Schedule CCE-4 of RLH-4 (“Schedule CCE-4”) to the July 27, 2021 Direct Testimony of Richard L. Hume (“Confidential Information”). In support of this request, FPL states as follows:

1. On July 27, 2021, Gulf filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D (“July 27, 2021 Request”). By Order No. PSC-2022-0075-CFO-EI, dated February 18, 2022 (“Order 0075”), the Commission granted Gulf’s July 27, 2021 Request. FPL adopts and incorporates by reference the July 27, 2021 Request and Order 0075.

2. The period of confidential treatment granted by Order 0075 will soon expire. The Confidential Information that was the subject of Gulf’s July 27, 2021 Request and Order 0075 warrants continued treatment as proprietary and confidential business information within the

¹ 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.

meaning of Section 366.093(3). Accordingly, FPL hereby submits its Request for Extension of Confidential Classification.

3. All the information designated in Exhibit A to the July 27, 2021 Request remains confidential. Accordingly, Exhibits A, B and C remain unchanged and will not be reproduced or reattached here. Included with this filing as Revised Exhibit D is the declaration of Richard L. Hume in support of this request.

4. The Confidential Information is intended to be and has been treated by 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, 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. The Confidential Information is entitled to confidential classification for the same reasons stated in the July 27, 2021 Request. As the declaration included in Revised Exhibit D indicates, the documents include information concerning contractual data, the disclosure of which would impair the competitive business of the provider of the information. Specifically, Schedule CCE-4 contains pricing information for capacity purchases. Disclosure of this information would negatively impact FPL's ability to negotiate pricing favorable to its customers in future capacity contracts. In addition, potential counterparties may refuse to enter into contracts with FPL, or may charge higher prices, if the price terms are made public. This information is protected pursuant to Sections 366.093(3)(d) and (e), Fla. Stat.

6. Nothing has changed since the Commission entered Order 0075 to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

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. 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 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* § 366.093(4), Fla. Stat.

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 Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: /s/ David M. Lee
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CERTIFICATE OF SERVICE
Docket No. 20230001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic mail this 15th day of August, 2023 to the following:

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REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20230001-EI

DECLARATION OF RICHARD L. HUME

1. My name is Richard L. Hume. I am currently employed by Florida Power & Light Company ("FPL") as Regulatory Issues Manager. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Request for Extension of Confidential Classification of Certain Information Provided in the in Schedule CCE-4 of Exhibit RLH-4 to the July 27, 2021, Direct Testimony of Richard L. Hume for which I am the declarant. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information contain information relating to the competitive business interests of FPL or its counter-party and includes information concerning contractual data, the disclosure of which would impair the competitive business of the provider of the information. Specifically, Schedule CCE-4 contains pricing information for capacity purchases. Disclosure of this information would negatively impact FPL's ability to negotiate pricing favorable to its customers in future capacity contracts. In addition, potential counterparties may refuse to enter contracts with FPL, or may charge higher prices, if the price terms are made public. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. Nothing has occurred since the issuance of Order No. PSC-2022-0075-CFO-EI to render the designated information stale or public, such that continued confidential treatment would not be appropriate. Therefore, 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.


Richard L. Hume

Date: 8-15-23