

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: August 22, 2023
TO: Division of Accounting and Finance, Office of Primary Responsibility
FROM: OFFICE OF COMMISSION CLERK
RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NOS: 20230001-EI DOCUMENT NO: 10077-2021

DESCRIPTION: FPL (Lee) – (CONFIDENTIAL) Capacity payments to non-generators identified in schedule E12.

SOURCE: Florida Power & Light Company

The above confidential material was filed along with a request for extension of confidential classification. Please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
 The utility has provided enough details to perform a reasoned analysis of its request.
 The material has been received incident to an inquiry.
 The material is confidential business information because it includes:
 (a) Trade secrets;
 (b) Internal auditing controls and reports of internal auditors;
 (c) Security measures, systems, or procedures;
 (d) 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;
 (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information;
 (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
 The material appears not to be confidential in nature.
 The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by /s/Garret Kelley on 08/22/2023, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.

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-M-E-M-O-R-A-N-D-U-M-

DATE: August 22, 2023

TO: Suzanne S. Brownless, Special Counsel, Office of the General Counsel

FROM: Garret Kelley, Public Utility Analyst I, Division of Accounting & Finance

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO: 20230001-EI DOCUMENT NO: 10077-2021

DESCRIPTION: FPL (Lee) – (CONFIDENTIAL) Capacity payments to non-cogenerators identified in schedule E12.

SOURCE: Florida Power & Light Company

Pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (FPL or Company) requests an extension of confidential classification of certain information originally filed in Docket No. 20210001-EI, dated September 3, 2021.

The Company is claiming confidentiality of its filing under Section 366.093(3)(d), F.S., and Section 366.093(3)(e), F.S. Per the Statute, propriety of confidential business information includes, but is not limited to: Subsection (d) “[i]nformation 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,” and Subsection (e) “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.”

More specifically, the information which FPL is claiming as confidential consists of pricing data for capacity purchases between FPL and various counterparties and is regarded by both parties as confidential. The negotiated pricing is specific to the individual contracts and is not publicly known. FPL claims that disclosure of this information would negatively impact its ability to negotiate pricing favorable to its customers in future capacity contracts.

Staff has reviewed the extension of confidentiality request. It is staff’s opinion the materials associated with this request continues to meet the criteria for confidentiality contained in Section 366.093(3)(d), F.S. and Section 366.093(3)(e), F.S.