

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20230001-EI

Date: October 20, 2023

**FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF CERTAIN PORTIONS OF EXHIBITS RBD-2, RBD-4, AND GJY-1**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its First Request for Extension of Confidential Classification of certain information provided in exhibits to the April 1, 2022, prepared direct testimony of FPL witnesses Renae B. Deaton (RBD-2 and RBD-4) and Gerard J. Yupp (GJY-1) (the "Confidential Information"). In support of this request, FPL states as follows:

1. On April 1, 2022, FPL filed a request for confidential classification of the Confidential Information (Document No. 02217-2022, Docket No. 20220001-EI) ("April 1, 2022 Request"). By Order No. PSC-2022-0149-CFO-EI, dated April 22, 2022 ("Order 0149"), the Commission granted FPL's April 1, 2022 Request. FPL adopts and incorporates by reference the April 1, 2022 Request and Order 0149.

2. The period of confidential treatment granted by Order 0149 will soon expire. The Confidential Information that was the subject of FPL's April 1, 2022 Request and Order 0149 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Fla. Stat. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

3. All the information designated in the April 1, 2022 Request remains confidential, and to the knowledge of the undersigned attorney, the Confidential Information has not been

publicly disclosed. Accordingly, Exhibits A, B and C will not be reproduced or reattached herein. Included as First Revised Exhibit D is the declaration of Gerard J. Yupp in support of this request.

4. 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.

5. As more fully described in the declaration in Exhibit D, the documents provided by FPL contain information concerning contractual data. Specifically, the documents contain information related to the pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms for the benefit of its customers. The information provided by FPL also contains information related to the competitive interests of suppliers from whom FPL purchases capacity, the disclosure of which would impair the competitive businesses of the providers of the information. The documents also contain financial details related to FPL's asset optimization activities for natural gas and electric transmission. The disclosure of this information would impair FPL's ability to execute transactions for natural gas commodity sales, natural gas storage, natural gas transportation, and electricity transmission on favorable terms for the benefit of its customers. Disclosure also would impair the competitive interests of FPL and its vendors and would place FPL at a competitive disadvantage when coupled with other information that is publicly available. This information is protected by Sections 366.093(3)(d) and (e), Fla. Stat.

6. Upon a finding by the Commission that the Confidential Information remains proprietary confidential business information within Section 366.093(3), such information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information 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, Florida Power & Light Company respectfully requests that its First 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 has been furnished by electronic mail on this 20th day of October 2023 to the following:

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FIRST REVISED EXHIBIT “D”

**EXHIBITS RBD-2, RBD-4 AND GJY-1 TO
THE APRIL 1, 2022, TESTIMONY OF RENAE
B. DEATON AND GERARD J. YUPP**

FIRST REVISED 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

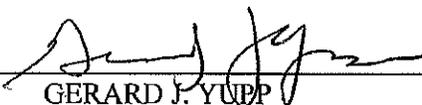
DECLARATION OF GERARD J. YUPP

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the exhibits to FPL's April 1, 2022 Request for Confidential Classification of Information included in the April 1, 2022, testimony of FPL witness Renae B. Deaton (Exhibits RBD-2 and RBD-4) and the testimony of FPL witness Gerard J. Yupp (Exhibit GJY-I). The documents and materials which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Specifically, the documents contain information related to the pricing for short-term capacity purchases, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms for the benefit of its customers. The information provided by FPL also contains information related to the competitive interests of suppliers from whom FPL purchases capacity, the disclosure of which would impair the competitive businesses of the providers of the information. Additionally, the documents contain financial details related to FPL's asset optimization activities for natural gas and electric transmission. The disclosure of this information would impair FPL's ability to execute transactions for natural gas commodity sales, natural gas storage, natural gas transportation, and electricity transmission on favorable terms for the benefit of its customers. Disclosure also would impair the competitive interests of FPL and its vendors and would place FPL at a competitive disadvantage when coupled with other information that is publicly available. 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-2022-0149-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, the materials 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.


GERARD J. YUPP

Date: 10/18/23