



William P. Cox
Senior Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5662
(561) 691-7135 (Facsimile)
Email: will.p.cox@fpl.com

May 15, 2024

-VIA HAND DELIVERY-

Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

REDACTED

RECEIVED-FPSC
2024 MAY 15 PM 2:03
COMMISSION
CLERK

RE: Docket 20240012-EG

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information Provided in Response to Florida Rising, Environmental Confederation of Southwest Florida, and League of United Latin American Citizens' First Request for Production of Documents (Nos. 1 and 2). The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the confidential documents, which due to their volume, are provided in electronic format, and are confidential in their entirety. Because the documents in Exhibit A are entirely confidential, FPL has included only identifying cover pages in Exhibit B. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains the declarations in support of FPL's request.

If there are any questions regarding this transmittal, please contact me at (561)304-5662.

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

Enclosure
cc: Parties of Record

Sincerely,

William P. Cox
Senior Counsel
Fla. Bar No. 0093531

Florida Power & Light Company

700 Universe Boulevard, Juno Beach, FL 33408

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of numeric
conservation goals of (Florida Power & Light
Company)

Docket No. 20240012-EG

Filed: May 15, 2024

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
IN RESPONSE TO FLORIDA RISING, ENVIRONMENTAL CONFEDERATION OF
SOUTHWEST FLORIDA AND LEAGUE OF UNITED LATIN AMERICAN CITIZENS'
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1 AND 2)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided in response to Florida Rising, Environmental Confederation of Southwest Florida and League of United Latin American Citizens' ("collectively FEL") First Request for Production of Documents (Nos. 1 and 2) ("Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. On April 25, 2024, FEL served its First Request for Production of Documents (Nos. 1-2) on FPL. FPL's Responses to FEL's First Request for Production of Documents (Nos. 1-2) contain information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its responses to FEL's First Request for Production of Documents (Nos. 1-2) on May 15, 2024. This request is being filed contemporaneously with the service of the responses to FEL's discovery to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

3. The following exhibits are included with and made a part of this request:

a. Exhibit A consists of a copy of the confidential material on which all the information that FPL asserts is entitled to confidential treatment has been highlighted. The

attachment to FPL's response to FEL's First Request for Production of Documents, Nos. 1 and 2, is voluminous and confidential in its entirety, and it is being provided electronically.

b. As Exhibit A is confidential in its entirety, Exhibit B consists of only identifying cover pages with all confidential information removed.

c. Exhibit C is a table containing a page-and-line identification of the information highlighted in Exhibit A and a brief description of the Confidential Information. Exhibit C also references the specific statutory bases for the claim of confidentiality and identifies the declarants who support the requested classification.

d. Exhibit D contains the declarations of Andrew W. Whitley, John Floyd, John Herndon, and David Hughes 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 information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determined 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 description included in Exhibit C and the declarations included in Exhibit D indicate, the Confidential Discovery Responses provided by FPL contain information concerning information relating to competitive interests of FPL or its vendors, the disclosure of which would impair the competitive business of FPL. This information is protected by Section 366.093(3)(e), Fla. Stat.

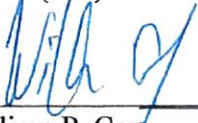
6. The Confidential Discovery Responses provided by FPL also contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms. This information is protected by Section 366.093(3)(d). Fla. Stat.

7. 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 and affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

Christopher T. Wright
Managing Attorney
William P. Cox
Senior Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 567-7144
Facsimile: (561) 691-7135

By: 

William P. Cox
Fla. Bar No. 0093531

**CERTIFICATE OF SERVICE
DOCKET NO. 20240012-EG**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic delivery this 15th day of May, 2024 to the following:

Walt Trierweiler
Patricia A. Christensen
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, Florida 32399
trierweiler.walt@leg.state.fl.us
christensen.patty@leg.state.fl.us
**Attorneys for the Citizens of the State
of Florida**

Jacob Imig
Jonathan Rubottom
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
jimig@psc.state.fl.us
jrubotto@psc.state.fl.us
discovery-gcl@psc.state.fl.us

Bradley Marshall
Jordan Luebke
EarthJustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, Florida 32301
bmarshall@earthjustice.org
jluebke@earthjustice.org
flcaseupdates@earthjustice.org
**Attorneys for Florida Rising, League of
United Latin American Citizens of
Florida, and Environmental
Confederation of Southwest Florida**

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
**Attorneys for Florida Industrial Power Users
Group**

Sean T. Garner, General Counsel
Erik Sayler, Senior Attorney
David Tropin, Senior Attorney
Florida Department of Agriculture
& Consumer Services
Office of General Counsel
The Mayo Building
407 S. Calhoun Street, Suite 520
Tallahassee, FL 32399-0800
GeneralCounsel@fdacs.gov
Erik.Sayler@fdacs.gov
David.Tropin@fdacs.gov
**Attorneys for Florida Department of
Agriculture & Consumer Services**

Brooks Rumenik
Director
Office of Energy
**Florida Department of Agriculture
& Consumer Services**
Brooks.Rumenik@fdacs.gov

William C. Garner
Law Office of William C. Garner, PLLC
3425 Bannerman Road Unit 105, No. 414
Tallahassee, FL 32312
bgarner@wcglawoffice.com
**Attorney for Southern Alliance for Clean
Energy**

Stephanie U. Eaton
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com

and

Steven W. Lee
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
slee@spilmanlaw.com
Attorneys for Walmart Inc.

By: 

William P. Cox
Fla. Bar No. 0093531

EXHIBIT B

REDACTED

FPL's response to
FEL's 1st POD Nos. 1 and 2

CPF Model – and CFP Batch Files;
Bates Nos. FPL 000062-000732

Resource Innovation Files;
Bates Nos. FPL 002749-003218

Business On-Call and Bill Impact Files;
Bates Nos. 003219-003273

Utility Bills Files: Bates No. 003317;

HVAC DSM Files:
Bates Nos. 003318-003330

are confidential in their entirety

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET TITLE: Commission review of numeric conservation goals (Florida Power & Light Company)
DOCKET NO.: 20240012-EG

Set	Bates No.	Description	Conf. Y/N	Line/Column	Florida Statute 366.093(3) Subsection	Declarant
20240012 – FEL's 1st POD No. 1	FPL 000062-000732	CPF Model and CPF Batch Files	Y	All	(d) (e)	Andrew Whitley
20240012 – FEL's 1st POD No. 1	FPL 002749-003218	Resource Innovation files	Y	All	(d) (e)	James Herndon
20240012 – FEL's 1st POD No. 1	FPL 003219-003273	Business-on-call and Bill Impact files	Y	All	(d) (e)	John Floyd
20240012 – FEL's 1st POD No. 2	FPL 003317	Utility Bills files	Y	All	(d) (e)	John Floyd
20240012 – FEL's 1st POD No. 2	FPL 003318-003326	HVAC DSM files	Y	All	(d) (e)	David Hughes

EXHIBIT D

DECLARATIONS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
conservation goals (Florida Power & Light
Company)

Docket No. 20240012-EG

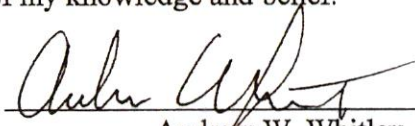
DECLARATION OF ANDREW W. WHITLEY

1. My name is Andrew W. Whitley. I am currently employed by Florida Power & Light Company ("FPL") as Engineering Manager, Finance. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification filed this date, for which I am listed as the declarant on Exhibit C. The documents that FPL seeks to have protected contain proprietary programs and processes used in FPL's Integrated Resource Planning. FPL developed these programs and processes for its internal use. These programs and processes are not commercially available, but they would have commercial value if they were disclosed, and FPL should be compensated for any such disclosure. FPL has a proprietary, competitive interest in these programs and processes it has developed, and it has chosen not to make them commercially available, but to use them solely internally. The disclosure of these proprietary materials would impair the value of these programs and processes and harm FPL's competitive business interests. Additionally, the information contains software and information that is proprietary to a third party vendor. FPL treats these programs and processes as confidential and proprietary and has previously successfully sought confidential treatment of these materials at the Commission.

3. 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.



Andrew W. Whitley

Date: 5/14/2024

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
conservation goals (Florida Power & Light
Company)

Docket No. 20240012-EG

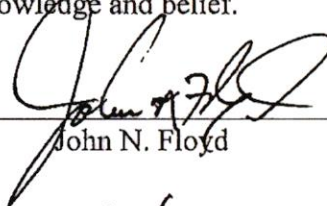
DECLARATION OF JOHN N. FLOYD

1. My name is John N. Floyd. I am currently employed by Florida Power & Light Company ("FPL") as Director of Demand-Side Management Strategy. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification filed this date, for which I am listed as the declarant on Exhibit C. The documents that FPL seeks to have protected contain proprietary programs and processes used in FPL's Integrated Resource Planning. FPL developed these programs and processes for its internal use. These programs and processes are not commercially available, but they would have commercial value if they were disclosed, and FPL should be compensated for any such disclosure. FPL has a proprietary, competitive interest in these programs and processes it has developed, and it has chosen not to make them commercially available, but to use them solely internally. The disclosure of these proprietary materials would impair the value of these programs and processes and harm FPL's competitive business interests. Additionally, the information contains software and information that is proprietary to a third party vendor. FPL treats these programs and processes as confidential and proprietary and has previously successfully sought confidential treatment of these materials at the Commission.

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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.



John N. Floyd

Date: _____

5/14/24

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
conservation goals (Florida Power & Light
Company)

Docket No. 20240012-EG

DECLARATION OF JAMES HERNDON

1. My name is James Herndon. I am currently employed by Resource Innovations, Inc. as a Vice President in the Advisory Services Practice. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification filed this date, for which I am listed as the declarant on Exhibit C. The documents that FPL seeks to have protected contain proprietary programs and processes used in FPL's Integrated Resource Planning. FPL developed these programs and processes for its internal use. These programs and processes are not commercially available, but they would have commercial value if they were disclosed, and FPL should be compensated for any such disclosure. FPL has a proprietary, competitive interest in these programs and processes it has developed, and it has chosen not to make them commercially available, but to use them solely internally. The disclosure of these proprietary materials would impair the value of these programs and processes and harm FPL's competitive business interests. Additionally, the information contains software and information that is proprietary to a third party vendor. FPL treats these programs and processes as confidential and proprietary and has previously successfully sought confidential treatment of these materials at the Commission.

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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.



James Herndon

Date: May 15, 2024

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
conservation goals (Florida Power & Light
Company)

Docket No. 20240012-EG

DECLARATION OF DAVID HUGHES

1. My name is David Hughes. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Finance. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification filed this date, for which I am listed as the declarant on Exhibit C. The documents that FPL seeks to have protected contain proprietary programs and processes used in FPL's Integrated Resource Planning. FPL developed these programs and processes for its internal use. These programs and processes are not commercially available, but they would have commercial value if they were disclosed, and FPL should be compensated for any such disclosure. FPL has a proprietary, competitive interest in these programs and processes it has developed, and it has chosen not to make them commercially available, but to use them solely internally. The disclosure of these proprietary materials would impair the value of these programs and processes and harm FPL's competitive business interests. Additionally, the information contains software and information that is proprietary to a third party vendor. FPL treats these programs and processes as confidential and proprietary and has previously successfully sought confidential treatment of these materials at the Commission.

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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.


David Hughes

Date: 5/14/2024