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May 20, 2024

-VIA HAND DELIVERY-

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

RECEIVED-FPSC
2024 MAY 20 AM 11:25
COMMISSION
CLERK

REDACTED

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 Public Service Commission Staff's First Request for Production of Documents (No. 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 on disk, 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.

Sincerely,



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

COM _____
AFD _____
APA _____
ECO _____
ENG _____
GCL _____
IDM _____
CLK _____

I redacted Ex "B"

Enclosure
cc: Parties of Record

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 20, 2024

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED
IN RESPONSE TO FLORIDA PUBLIC SERVICE COMMISSION STAFF'S FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 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 Public Service Commission Staff's ("Staff") First Request for Production of Documents (No. 2) ("Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. On April 30, 2024, Staff served its First Request for Production of Documents on FPL. FPL's Response to Staff's First Request for Production of Documents (No. 2) contains information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its responses to Staff's First Request for Production of Documents (No. 2) on May 20, 2024. This request is being filed contemporaneously with the service of the responses to Staff'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 Staff's First Request for Production of Documents, No. 2, is voluminous and confidential in its entirety, and it is being provided electronically on disk.

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 declaration of Andrew W. 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 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: 
Christopher T. Wright
Fla. Auth. House Counsel No. 1007055

**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 20th day of May, 2024 to the following:

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By: 

Christopher T. Wright
Fla. Auth. House Counsel No. 1007055

EXHIBIT A

CONFIDENTIAL

EXHIBIT B

REDACTED

FPL's response to
Staff's 1st POD No. 2:

CPF Batch Model Files;
Bates Nos. FPL 003334-003747

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 – Staff's 1st POD No. 2	FPL 003334- 003747	CPF Models	Y	All	(d) (e)	Andrew W. Whitley

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: May 20, 2024