

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor	Docket No: 20240001- EI Date: July 3, 20224
---	--

**FLORIDA POWER & LIGHT COMPANY’S FOURTH
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 2017-023-1-2**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”)¹ hereby submits its Fourth Request for Extension of Confidential Classification of certain material provided to the Staff of the Florida Public Service Commission (“Staff”) pursuant to the Commission’s review of pre-consolidated Gulf Power Company’s (“Gulf”) 2016 capacity expenditures, Audit No. 2017-023-1-2 (“Confidential Information”). In support of this Request, FPL states as follows:

1. On June 1, 2017, Gulf filed a request for confidential classification of the Confidential Information (Document No. 05144-17, Docket No. 20170001-EI) (“June 1, 2017 Request”). By Order No. PSC-2017-0253-CFO-EI, dated June 29, 2017 (“Order 0253”), the Commission granted Gulf’s June 1, 2017 Request. FPL adopts and incorporates by reference the June 1, 2017 Request and Order 0253.

2. On December 20, 2018, Gulf filed a Request for Extension of Confidential Classification (“December 20, 2018 Request”). By Order No. PSC-2019-0149-CFO-EI, dated April 24, 2019 (“Order 0149”), the Commission granted Gulf’s December 20, 2018 Request. FPL adopts and incorporates by reference the December 20, 2018 Request and Order 0149.

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.

3. On October 23, 2020, Gulf filed a Second Request for Extension of Confidential Classification (“October 23, 2020 Request”). By Order No. PSC-2021-012-CFO-EI, dated January 4, 2021 (“Order 012”), the Commission granted Gulf’s October 23, 2020 Request. FPL adopts and incorporates by reference the October 23, 2020 Request and Order 012.

4. On July 5, 2022, FPL filed its Third Request for Extension of Confidential Classification (“July 5, 2022 Request”). By Order No. PSC-2023-0022-CFO-EI, dated January 5, 2023 (“Order 0022”), the Commission granted FPL’s July 5, 2022 Request. FPL adopts and incorporates by reference the July 5, 2022 Request and Order 0022.

5. The period of confidential treatment granted by Order 0022 will soon expire. The Confidential Information that was the subject of FPL’s July 5, 2022 Request and Order 0022 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Fla. Stat. Accordingly, FPL hereby submits its Fourth Request for Extension of Confidential Classification.

6. All the information designated in the July 5, 2022 Request remains confidential, Accordingly, Exhibits A and B will not be reproduced or reattached herein. Included as Revised Exhibit C is a table that identifies the specific pages, lines or columns that are confidential as well as the declarant supporting the request. Included as Revised Exhibit D is the declaration of Manuel Acosta in support of this request.

7. The Confidential Information is intended to be and has been treated by pre-consolidation 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, Fla. Stat., such information is entitled to confidential treatment and is 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 continued confidential classification for the same reasons that it was initially classified. As stated in Gulf's Original Request, a portion of the information submitted by Gulf in connection with the Review constitutes proprietary confidential business information concerning bids and other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. Specifically, this Confidential Information includes pricing information for negotiated purchase power agreements, coal, oil, natural gas transportation/storage, and capacity purchases between pre-consolidation Gulf and various counterparties. This information continues to be regarded as confidential by FPL and the various counterparties. Potential counterparties may refuse to enter into contracts with FPL, or they may charge higher prices if the terms were made public. Disclosure of this information would also impair the competitive interests of FPL and its counterparties. The information is entitled to confidential classification pursuant to section 366.093(3)(d) and (e), Florida Statutes.

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, Florida Power & Light Company respectfully requests that its Fourth Request for Extension of Confidential Classification be granted.

Respectfully submitted,

Maria Jose Moncada
Assistant General Counsel
David M. Lee
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 6917263
Facsimile: (561) 691-7135
Email: maria.moncada@fpl.com
david.lee@fpl.com

By: s/ David M. Lee
David M. Lee
Florida Bar No. 103152

CERTIFICATE OF SERVICE
Docket No. 20240001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 3rd day of July 2024 to the following:

Suzanne Brownless
Ryan Sandy
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
sbrownle@psc.state.fl.us
rsandy@psc.state.fl.us

J. Jeffrey Wahlen
Malcolm N. Means
Virginia Ponder
Ausley & McMullen
P.O. Box 391
Tallahassee, Florida 32302
jwahlen@ausley.com
mmeans@ausley.com
vponder@ausley.com
Attorneys for Tampa Electric Company

Paula K. Brown, Manager
Tampa Electric Company
Regulatory Coordinator
Post Office Box 111
Tampa, Florida 33601-0111
regdept@tecoenergy.com

Mike Cassel
Vice President/Government and
Regulatory Affairs
Florida Public Utilities Company
208 Wildlight Ave.
Yulee, Florida 32097
mcassel@fpuc.com

Walt Trierweiler
Charles J. Rehwinkel
Mary Wessling
Patricia A. Christensen
Octavio Ponce
Austin Watrous
Office of Public Counsel
The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400
Trierweiler.walt@leg.state.fl.us
christensen.patty@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
wessling.mary@leg.state.fl.us
ponce.octavio@leg.state.fl.us
watrous.austin@leg.state.fl.us
Attorneys for the Citizens of the State of Florida

Matthew R. Bernier
Robert L. Pickels
Stephanie A. Cuello
Duke Energy Florida
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
robert.pickels@duke-energy.com
matthew.bernier@duke-energy.com
FLRegulatoryLegal@duke-energy.com
stephanie.cuello@duke-energy.com
Attorneys for Duke Energy Florida

Dianne M. Triplett
299 First Avenue North
St. Petersburg, Florida 33701
dianne.triplett@duke-energy.com
Attorney for Duke Energy Florida

Beth Keating
Gunster Law Firm
215 South Monroe St., Suite 601
Tallahassee, Florida 32301-1804
bkeating@gunster.com
**Attorneys for Florida Public Utilities
Company**

Michelle D. Napier
Director, Regulatory Affairs Distribution
Florida Public Utilities Company
1635 Meathe Drive
West Palm Beach, FL33411
mnapier@fpuc.com

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Bowden, Dee. LaVia, Wright,
Perry & Harper, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com
jlavia@gbwlegal.com
Attorneys for Florida Retail Federation

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

James W. Brew
Laura Wynn Baker
Sarah B. Newman
Stone Mattheis Xenopoulos & Brew, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007
jbrew@smxblaw.com
lwb@smxblaw.com
sbn@smxblaw.com
**Attorneys for White Springs Agricultural
Chemicals, Inc. d/b/a PCS Phosphate -
White Springs**

Peter J. Mattheis
Michael K. Lavanga
Joseph R. Briscar
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
pjm@smxblaw.com
mkl@smxblaw.com
jrb@smxblaw.com
Attorneys for Nucor Steel Florida, Inc.

By: s/ David M. Lee
David M. Lee
Florida Bar No. 103152

Docket No. 20240001-EI

REVISED EXHIBIT “C”

**FPL’s FOURTH REQUEST FOR EXTENSION
OF CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO
AUDIT NO. 2017-023-1-2**

REVISED EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Workpapers
AUDIT: FPL, Fuel Audit
AUDIT CONTROL NO: 2017-023-1-2
DOCKET NO: 20240001-EI
DATE: July 3, 2022

***Bold** indicates new declarant

Workpaper No.	Column No./Line No.	Conf Y/N	Florida Statute 366.093 (3) Subsection	Declarant
12-3	Column E, as marked	Y	(d), (e)	Manuel Acosta
44.1	Lines 33-36, as marked	Y	(d), (e)	Manuel Acosta
44.2	Lines 32-36, as marked	Y	(d), (e)	Manuel Acosta
44.3	Columns, D, F & G, as marked	Y	(d), (e)	Manuel Acosta
44-1	Columns E & F, lines 6, 8, 12 & 15, as marked	Y	(d), (e)	Manuel Acosta
44-1.4	Lines 1-6, as marked	Y	(d), (e)	Manuel Acosta
44-2	Columns E & F, lines 6, 8, 12 & 15, as marked	Y	(d), (e)	Manuel Acosta
44-3	Columns E & F, lines 6, 8, 12 & 15, as marked	Y	(d), (e)	Manuel Acosta
44-3.4	Lines 1-6, as marked	Y	(d), (e)	Manuel Acosta
44-4	Columns E & F, lines 6, 8, 12 & 15, as marked	Y	(d), (e)	Manuel Acosta
44-5	Columns E & F, lines 6, 8, 12 & 15, as marked	Y	(d), (e)	Manuel Acosta
44-5.4	Lines 1-6, as marked	Y	(d), (e)	Manuel Acosta
44-6	Columns E & F, lines 6, 8, 12, 15 & 18, as marked	Y	(d), (e)	Manuel Acosta
44-7	Columns E & F, lines 6, 8, 12, 15 & 18, as marked	Y	(d), (e)	Manuel Acosta
44-7.4	Lines	Y	(d), (e)	Manuel Acosta
44-8	Columns E & F, lines 6, 8, 12, 15 & 18, as marked	Y	(d), (e)	Manuel Acosta
44-9	Columns E & F, lines 6, 8, 12, 15 & 18, as marked	Y	(d), (e)	Manuel Acosta
44-9.4	Lines 1-6, as marked	Y	(d), (e)	Manuel Acosta
44-10	Columns E & F, lines 6, 8, 12, 15 & 18, as marked	Y	(d), (e)	Manuel Acosta
44-11	Columns E & F, lines 6, 8, 12, 15 & 18, as marked	Y	(d), (e)	Manuel Acosta
44-11.4	Lines 1-6, as marked	Y	(d), (e)	Manuel Acosta
44-12	Columns E & F, lines 6, 8, 12 & 15, as marked	Y	(d), (e)	Manuel Acosta

Workpaper No.	Column No./Line No.	Conf Y/N	Florida Statute 366.093 (3) Subsection	Declarant
46	Lines 2-4, as marked	Y	(d), (e)	Manuel Acosta
46-1	Column A, as marked	Y	(d), (e)	Manuel Acosta
46-1.1	Column A, as marked	Y	(d), (e)	Manuel Acosta
46-1.2	Column A, as marked	Y	(d), (e)	Manuel Acosta
46-1.3	Column A, as marked	Y	(d), (e)	Manuel Acosta
46-1.4	Columns A-C, as marked	Y	(d), (e)	Manuel Acosta
46-1.5	Columns A-B, as marked	Y	(d), (e)	Manuel Acosta
46-1.6	Column A, as marked	Y	(d), (e)	Manuel Acosta
46-1.7	Column A, as marked	Y	(d), (e)	Manuel Acosta
46-1.8	Column A, as marked	Y	(d), (e)	Manuel Acosta
46-1.9	Column A, as marked	Y	(d), (e)	Manuel Acosta
46-1.10	Column A, as marked	Y	(d), (e)	Manuel Acosta
46-1.11	Column A, as marked	Y	(d), (e)	Manuel Acosta

Docket No. 20240001-EI

REVISED EXHIBIT “D”

**FPL’s FOURTH REQUEST FOR EXTENSION
OF CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO
AUDIT NO. 2017-023-1-2**

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost
Recovery Clause with Generating
Performance Incentive Factor by Florida
Power & Light Company

Docket No: 20240001-EI

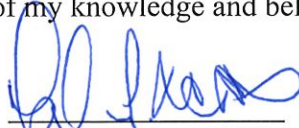
DECLARATION OF MANUEL P. ACOSTA

1. My name is Manuel P. Acosta. I am currently employed by Florida Power & Light Company ("FPL") as Senior Physical Trading Manager, Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Fourth Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 2017-023-1-2 for which I am identified as a declarant. The documents which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to competitive interests. Specifically, the information contains details concerning pre-consolidated Gulf Power's capacity purchases with various counterparties. This information is subject to non-disclosure obligations. Furthermore, disclosure of the pricing terms may result in counterparties refusing to conduct business with FPL, or they may charge higher prices. 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-2023-0022-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.



Manuel P. Acosta

Date: July 3, 2024