

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No: 20240001-EI

Date: July 11, 2024

**FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST  
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT CONTROL NO. 2022-003-4-2**

Pursuant to Section 366.093, Florida Statutes ("Section 366.093") and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its First Request for Extension of Confidential Classification of Information Provided Pursuant to Audit Control No. 2022-003-4-2 ("Confidential Information"). In support of this request, FPL states as follows:

1. On May 25, 2022, FPL filed a Request for Confidential Classification of the Confidential Information ("May 25, 2022 Request"). By Order No. PSC-2023-0037-CFO-EI, dated January 11, 2023 ("Order 0037"), the Commission granted FPL's May 25, 2022 Request. FPL adopts and incorporates by reference the May 25, 2022 Request and Order 0037.

2. The period of confidential treatment granted by Order 0037 will soon expire. The Confidential Information that was the subject of FPL's May 25, 2022 Request and Order 0037 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

3. All the information designated in the May 25, 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 new declarant supporting the request. Included as Revised Exhibit D is the declaration of Manuel P. Acosta, the new declarant 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. The Confidential Information is entitled to continued confidential classification for the same reasons that it was initially classified. As stated in FPL's original request, Revised Exhibits C and D, the Confidential Information contains information concerning bids or other contractual data. Specifically, the documents include information related to the purchase or sale of energy and capacity-related goods or services. The disclosure of this information would impair the efforts of FPL to contract for goods or services on favorable terms for the benefit of FPL and its customers, and it would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a 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. 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. Currently, the Commission retains audit reports for period of seven years at which time the audit materials are returned to FPL unless

Commission staff or another affected person requests that these audit materials continue to be retained. The nature of these materials will not change in the next three years. Therefore, to promote administrative efficiency, FPL requests confidential classification for a period of thirty-six (36) months. 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 thirty-six (36) 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 included with or incorporated in this Request, 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  
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 service on this 11<sup>th</sup> day of July 2024 to the following:

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

**Docket No. 20240001-EI**

**REVISED EXHIBIT “C”**

**FPL’s MATERIALS PROVIDED PURSUANT  
TO AUDIT NO. 2022-003-4-2**

**REVISED EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Workpapers  
**AUDIT:** FPL, Capacity Audit  
**AUDIT CONTROL NO:** 2022-003-4-2  
**DOCKET NO:** 20240001-EI  
**DATE:** July 11, 2024

**Bold indicates a new declarant.**

<b>Workpaper No.</b>	<b>Description</b>	<b>No. of Pages</b>	<b>Conf Y/N</b>	<b>Column No./Line No.</b>	<b>Florida Statute 366.093 (3) Subsection</b>	<b>Declarant</b>
7-1.1	Analytical Review	1	N			
45-1	Transmission Revenues	1	N			
45-1.1	Transmission Revenues	1	N			
45-2	Transmission Revenues	1	N			
45-2.1	Transmission Revenues	1	N			
45-2.2	Transmission Revenues	1	N			
45-3	Transmission Revenues	1	Y	Col. A, Line 1 Col. B, Lns. 2-4 Col. C, Line 3 Cols. D - N	(d)	<b>M. Acosta</b>
46	Purchased Power	1	N			
46.1	Purchased Power	1	N			
46.2	Purchased Power	1	N			
46.3	Purchased Power	1	N			
46-1	Purchased Power	1	N			
46-2	Purchased Power	1	Y	ALL	(d)	<b>M. Acosta</b>
46-2.1	Purchased Power	1	Y	ALL	(d)	<b>M. Acosta</b>
46-2.2	Purchased Power	1	Y	ALL	(d)	<b>M. Acosta</b>
46-3	Purchased Power	1	Y	Lns. 1 – 12	(d), (e)	<b>M. Acosta</b>
46-3.1	Purchased Power	1	Y	Cols. A - B, Lns. 1-2	(d)	<b>M. Acosta</b>
46-3.2	Purchased Power	1	Y	ALL	(d)	<b>M. Acosta</b>

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**REVISED EXHIBIT “D”**

**FPL’s MATERIALS PROVIDED PURSUANT  
TO AUDIT NO. 2022-003-4-2**



**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. 20240001-EI

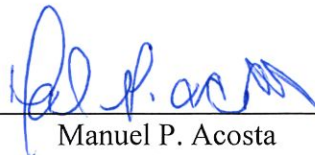
**DECLARATION OF MANUEL P. ACOSTA**

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 declaration.

2. I have reviewed Revised Exhibit C and the documents that are included in Exhibit A to FPL’s original Request for Confidential Classification of Information Obtained in Connection with Audit No. 2022-003-4-2 for which I am designated as the declarant. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute data such as pricing and other terms, payment records, and vendor and supplier rates. The disclosure of this information would impair the efforts of FPL to contract for energy and capacity-related goods or services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a disadvantage when coupled with other information that is publicly available. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-2023-0037-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 thirty-six (36) 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: \_\_\_\_\_

7/8/24