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October 25, 2024

VIA HAND DELIVERY

**REDACTED**

Mr. Adam Teitzman  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

2024 OCT 25 PM 2:58  
COMMISSION  
CLERK  
RECEIVED-FPSC

**Re: Docket No. 20240001-EI**  
**Florida Power & Light Company Request for Confidential Classification**

Dear Mr. Teitzman:

Enclosed for filing in the above docket is Florida Power & Light Company's ("FPL") Request for Confidential Classification of certain information provided in its response to the Office of Public Counsel's ("OPC") Third Request for Production, No. 3. The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the confidential documents with all the information that FPL asserts is entitled to confidential treatment is highlighted in yellow. Exhibit B is an insert page indicating that the document in Exhibit A is confidential in its entirety. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains a declaration in support of FPL's request.

Please contact me if you or your Staff have any questions regarding this filing.

- COM \_\_\_\_\_
- AFD** \_\_\_\_\_ *I redacted Exh "B"*
- APA \_\_\_\_\_
- ECO \_\_\_\_\_
- ENG \_\_\_\_\_
- GCL \_\_\_\_\_
- IDM \_\_\_\_\_
- CLK \_\_\_\_\_

Sincerely,  
  
David M. Lee

Enclosures  
cc: Counsel for Parties of Record (w/ copy of FPL's Request for Confidential Classification)

**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: October 25, 2024

**FLORIDA POWER & LIGHT COMPANY'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION  
PROVIDED IN RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S THIRD  
REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 3)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its Request for Confidential Classification of certain information provided in response to the Office of Public Counsel's ("OPC") Third Request for Production of Documents (No. 3) ("Confidential Information"). In support of its Request, FPL states as follows:

1. On September 5, 2024, OPC served its Third Request for Production of Documents on FPL
2. FPL served its response to OPC's Third Request for Production of Documents, No. 3 on October 25, 2024. FPL's Response to OPC's Third Request for Production of Documents, No. 3, contained information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.
3. This request is being filed contemporaneously with the service of the response to request confidential classification of the Confidential Documents consistent with Rule 25-22.006, Florida Administrative Code.
4. The following exhibits are attached to and made a part of this Request:
  - a. Exhibit A consists of a copy of the confidential document in which all the information that FPL asserts is entitled to confidential treatment is highlighted in yellow.

b. Exhibit B is an edited version of Exhibit A, in which all the information FPL asserts is entitled to confidential treatment has been redacted. For pages that are entirely confidential, insert pages are provided.

c. Exhibit C is a table that identifies the confidential information in Exhibit A and references the specific statutory basis for the claim of confidentiality and identifies the declarant who supports the requested classification.

d. Exhibit D consists of the declaration of Charles Rote in support of this Request.

5. 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.

6. As explained more fully in the declaration included in Exhibit D, the documents provided by FPL contain information relating to competitive interests of a third-party vendor of FPL, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the confidential document contains proprietary information prepared by a third-party vendor, which were provided to FPL by the third-party vendor and are proprietary to that vendor. If FPL were to publicly disclose this information, the vendor may refuse to share this

type of information with FPL in the future, to the detriment of FPL and its customers. This information is protected by Section 366.093(3)(e), 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 materials and declaration included herewith, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

Maria Jose Moncada, Esq.  
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David M. Lee, Esq.  
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By: 

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 25<sup>th</sup> day of October 2024 to the following:

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By:   
David M. Lee  
Florida Bar No. 103152

\* The exhibits to this Request are not included with the service copies, but copies of Exhibits C and D are available upon request.

**Docket No. 20240001-EI**

**EXHIBIT “B”**

**REDACTED**

**FPL’s DOCUMENT(S) RESPONSIVE TO  
OPC’S THIRD REQUEST FOR PRODUCTION  
OF DOCUMENTS (NO. 3)**

REDACTED VERSION OF CONFIDENTIAL DOCUMENT

FPL's response to OPC's 3rd POD No. 3 - GE Vernova's Technical Information Letter (Pages 1-11) are confidential in their entirety.

[Bates Nos. FCR-24-000250 through FCR-24-000260]



REDACTED VERSION OF CONFIDENTIAL DOCUMENT

FPL's response to OPC's 3rd POD No. 3 - GE Vernova's Technical Information Letter (Pages 1-11) are confidential in their entirety.

[Bates Nos. FCR-24-000250 through FCR-24-000260]

**Docket No. 20240001-EI**

**EXHIBIT “C”**

**FPL’s DOCUMENT(S) RESPONSIVE TO  
OPC’S THIRD REQUEST FOR PRODUCTION  
OF DOCUMENTS (NO. 3)**

EXHIBIT C

COMPANY: Florida Power & Light Company  
TITLE: List of Confidential Documents  
DOCKET NO.: 20240001-EI  
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor  
SUBJECT: FPL's Responses to OPC's Third Request for Production of Documents (No. 3)  
DATE: October 25, 2024

OPC's Third PODs	Bates Nos.	Description	No. of Pages	Line/Col.	Florida Statute 366.093(3) Subsection	Declarant
Request No. 3	FCR-24-000250 through FCR-24-000260	GE Vernova Technical Information Letter	11	ALL	(e)	Charles Rote

**Docket No. 20240001-EI**

**EXHIBIT “D”**

**FPL’s DOCUMENT(S) RESPONSIVE TO  
OPC’S THIRD REQUEST FOR PRODUCTION  
OF DOCUMENTS (NO. 3)**

**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: 20240001-EI

**DECLARATION OF CHARLES ROTE**

1. My name is Charles Rote. I am currently employed by Florida Power & Light Company ("FPL") as Director of Business Services, Power Generation. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the document and information included in Exhibit A to FPL's October 25, 2024 Request for Confidential Classification. The document and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information relate to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the confidential document contains proprietary information prepared by a third-party vendor, which were provided to FPL by a third-party vendor and are proprietary to that vendor. If FPL were to publicly disclose this information, the vendor may refuse to share this type of information with FPL in the future, to the detriment of FPL and its customers. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. 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.

*Charles Rote*

\_\_\_\_\_  
Charles Rote

Date: \_\_\_\_\_

*10/24/2024*