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April 13, 2017

## VIA HAND DELIVERY

Ms. Carlotta Stauffer Commission Clerk Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Re: Docket No. 170009-EI; Nuclear Cost Recovery Clause

Dear Ms. Stauffer:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") is its First Request for Extension of Confidential Classification of Exhibit SDS-8 (confidential document no. 02488-15). FPL's request includes First Revised Exhibit C and First Revised Exhibit D.

Please contact me if there are any questions regarding this filing.

Sincerely,

s/ Jessica A. Cano

Jessica A. Cano Fla. Bar No. 0037372

Enclosures cc: Counsel for Parties of Record (w/out enc.)

Florida Power & Light Company

700 Universe Boulevard, Juno Beach, FL 33408

#### **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Cost Recovery Clause Docket No. 170009-EI Filed: April 13, 2017

#### FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF EXHIBIT SDS-8

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests continued confidential classification of portions of Exhibit SDS-8, which was attached to the prefiled testimony of FPL witness Steven D. Scroggs in Docket No. 150009-EI. In support of its request, FPL states as follows:

1. On May 1, 2015, in Docket No. 150009-EI, FPL filed a Request for Confidential Classification of portions of Exhibit SDS-8 (Confidential Document No. 02488-15). FPL's request was granted by Order No. PSC-15-0459-CFO-EI, issued October 13, 2015. The period of confidential treatment granted by Order No. PSC-15-0459-CFO-EI will soon expire. FPL has reviewed the confidential document and determined that all the information that was the subject of Order No. PSC-15-0459-CFO-EI warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes.

2. FPL hereby submits its First Request for Extension of Confidential Classification. Exhibits A and B from FPL's May 1, 2015 filing are incorporated herein by reference. Included herewith are First Revised Exhibit C and First Revised Exhibit D.

3. First Revised Exhibit C is a table containing the specific line, column and page references to the confidential information, and references to the specific statutory basis or bases for the claim of confidentiality and to the declaration in support of the continued confidential classification.

4. First Revised Exhibit D contains the declaration of Brenda Thompson in support of FPL's request.

5. The information that was granted confidential treatment by Order No. PSC-15-0459-CFO-EI continues to be 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 in that the disclosure of the information would cause harm to customers or FPL's business operations, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and it 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.

6. As the declaration in First Revised Exhibit D indicates, the information included in Exhibit A, filed May 1, 2015 continues to be proprietary, confidential business information. The information reflects contractual data, the public disclosure of which would violate nondisclosure provisions of FPL's contracts with certain vendors and impair FPL's ability to contract for goods or services on favorable terms in the future. Such information is protected by Section 366.093(3)(d), Florida Statutes. This information is also competitively sensitive, and its disclosure could impair the competitive business of FPL or its vendors. Such information is protected by Section 366.093(3)(e), Florida Statutes.

7. Nothing has changed since the issuance of Order No. PSC-15-0459-CFO-EI to render the confidential information stale or public, such that continued confidential treatment would not be appropriate. Upon a finding by the Commission that the information referenced in

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First Revised Exhibit C continues to be proprietary confidential business information, the information should not be declassified for a period of at least an additional 18 months and should be returned to FPL as soon as the information 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 supported by the materials and declarations included herewith, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification of Exhibit SDS-8 be granted.

Respectfully submitted,

Jessica A. Cano Senior Attorney Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408 Telephone: (561) 304-5226 Facsimile: (561) 691-7135

By: <u>s/Jessica A. Cano</u> Jessica A. Cano Fla. Bar No. 0037372

## CERTIFICATE OF SERVICE DOCKET NO. 170009-EI

I HEREBY CERTIFY that a true and correct copy of FPL's First Request for Extension of Confidential Classification of Exhibt SDS-8\* was served electronically this 13<sup>th</sup> day of April, 2017, to the following:

Kyesha Mapp, Esq. Margo Leathers, Esq. Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850 kmapp@psc.state.fl.us mleather@psc.state.fl.us

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Victoria Méndez, City Attorney Xavier Albán, Assistant City Attorney Christopher A. Green, Senior Assistant City Attorney Kerri L. McNulty, Assistant City Attorney City of Miami 444 S.W. 2nd Avenue, Suite 945 Miami, FL 33130-1910 vmendez@miamigov.com xealban@miamigov.com cagreen@miamigov.com klmcnulty@miamigov.com mgriffin@miamigov.com Attorneys for City of Miami James W. Brew, Esq.ILaura A. Wynn, Esq.IStone, Mattheis, Xenopoulos & Brew, P.C.I1025 Thomas Jefferson Street, N.W.IEighth Floor, West TowerIWashington, D.C. 20007Ijbrew@smxblaw.comIIaw@smxblaw.comIAttorneys for White Springs AgriculturalChemicals, Inc. d/b/a PCS Phosphate – WhiteSprings

George Cavros, Esq. 120 E. Oakland Park Blvd., Suite 105 Ft. Lauderdale, FL 33334 George@cavros-law.com Attorney for Southern Alliance for Clean Energy

By:

<u>s/ Jessica A. Cano</u> Jessica A. Cano Fla. Bar No. 0037372

\*Exhibits are not included with the service copies, but Revised Exhibits C and D are available upon request.

# First Revised Exhibit C

Company:Florida Power and Light CompanyTitle:List of Confidential Documents Included in FPL's May 1, 2015 FilingDocket No.:150009-EI

Document	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Declarant
1	2015 Schedule AE- 7A Pre- Construction Costs and Carrying Costs On Construction Cost Balance, Turkey Point 6 & 7 (Exhibit SDS-8)	1	Ý	Page 35 Lines 1-17 Columns E-H	(d), (e)	Brenda Thompson
2	2015 Schedule AE- 7B Pre- Construction Costs and Carrying Costs On Construction Cost Balance, Turkey Point 6 & 7 (Exhibit SDS-8)	8	Y	Page 36 Lines 1-7 Columns A-C	(d), (e)	Brenda Thompson
3	2016 Schedule P- 7A Pre- Construction Costs and Carrying Costs On Construction Cost Balance, Turkey Point 6 & 7 (Exhibit SDS-8)	1	Ý	Page 47 Lines 1-17 Columns E-H	(d), (e)	Brenda Thompson
4	2016 Schedule P- 7B Pre- Construction Costs and Carrying Costs On Construction Cost Balance, Turkey Point 6 & 7 (Exhibit SDS-8)	8	Ý	Page 48 Lines 1-7 Columns A-C	(d), (e)	Brenda Thompson

First Revised Exhibit D

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

DOCKET NO. 170009-EI

#### **DECLARATION OF BRENDA THOMPSON**

My name is Brenda Thompson. I am currently employed by Florida 1. Power & Light Company as Nuclear Project Controls Manager. 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 FPL's First Request for Extension of Confidential Classification of Exhibit SDS-8 (Docket 150009-EI), for which I am identified on Exhibit C as the affiant. The documents and materials that I have reviewed contain proprietary confidential business information, including contractual pricing terms with vendors. Disclosure of this information would violate FPL's contracts with its vendors, impair the efforts of FPL to contract for these services on favorable terms for the benefit of its customers in the future, and impair the competitive interests of the vendor. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for an additional period of not less than 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.

Brenda Thompson Date:  $-\frac{9}{12(17)}$