

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20180001-EI

Date: July 20, 2018

**FLORIDA POWER & LIGHT COMPANY'S AMENDED SECOND
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 14-027-4-1**

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 an Amended Second Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 14-027-4-1 (“Confidential Information”). FPL is amending its initial Second Request for Extension, filed on March 21, 2018 in this docket, solely to clarify the requested period of protection for the Confidential Information. This revision is reflected in Paragraph 12 below. In support of this amended request, FPL states as follows:

1. On May 23, 2014 FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D (“May 23, 2014 Request”). By Order No. PSC-14-0484-CFO-EI, dated September 11, 2014, (“Order 0484”), the Commission granted FPL’s May 23, 2014 Request. FPL adopts and incorporates by reference the May 23, 2014 Request and Order 0484.

2. On February 5, 2016 FPL filed its First Request for Extension of Confidential Classification of the Confidential Information, which included First Revised Exhibits A, B, C and D (“February 5, 2016 Request”). By Order No. PSC-16-0399-CFO-EI, dated September 20, 2016, (“Order 0399”), the Commission granted FPL’s February 5, 2016 Request. FPL adopts and incorporates by reference the February 5, 2016 Request and Order 0399.

3. The period of confidential treatment granted by Order 0399 will soon expire. Some of the Confidential Information that was the subject of FPL's February 5, 2016 Request and Order 0399 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification.

4. Included with FPL's original March 21, 2018 request were Second Revised Exhibit A, Second Revised Exhibit B, together with Second Revised Exhibit C to reduce the number of pages for which confidential treatment is sought. Those exhibits are described below but are not reproduced with this Amended Request.

5. Second Revised Exhibits A and B consist of highlighted and redacted copies of the specific working papers where FPL has determined that a portion of the information previously designated as confidential requires continued confidential treatment. Where entire pages of a working paper are confidential, FPL has included only identifying cover pages in Second Revised Exhibit B.

6. Second Revised Exhibit C is a table that identifies the specific pages, lines or columns that remain confidential. The table also references the specific statutory basis for confidentiality and the affiants who support the requested classification.

7. Second Revised Exhibit D consists of the declarations of Antonio Maceo and Gerard J. Yupp in support of this request.

8. 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.

9. As more fully described in the declarations included in Second Revised Exhibit D, certain documents provided by FPL contain information concerning internal auditing controls and reports of internal auditors. This information is protected by Section 366.093(3)(b), Fla. Stat.

10. Additionally, certain documents contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

11. Also, certain information in these documents and materials concern the competitive interests of FPL or third parties, the disclosure of which would impair the competitive business of FPL and the third parties. This information is protected by Section 366.093(3)(e), Fla. Stat.

12. Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted remains protected from disclosure is 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 a 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, Florida Power & Light Company respectfully requests that its Amended Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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CERTIFICATE OF SERVICE
Docket No. 20180001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Amended Second Request for Extension of Confidential Classification has been furnished by electronic service on this 20th day of July 2018 to the following:

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