



Kenneth M. Rubin  
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Florida Power & Light Company  
700 Universe Boulevard  
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E-mail: Ken.Rubin@fpl.com

March 4, 2019

**VIA HAND DELIVERY**

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

RECEIVED-FPSC  
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COMMISSION  
CLERK

Re: Docket No. 20180049-EI **REDACTED**

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification. The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of a listing of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is a listing of all the confidential information contained in Exhibit A. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains the declaration in support of FPL's Request for Confidential Classification.

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

Sincerely,

  
Kenneth M. Rubin

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Enclosure

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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Evaluation of storm restoration costs  
for Florida Power & Light Company related  
to Hurricane Irma.

Docket No: 20180049-EI

Date: March 4, 2019

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Pursuant to Section 366.093, Florida Statutes ("Fla. Stat."), and Rule 25-22.006, Florida Administrative Code ("F.A.C."), Florida Power & Light Company ("FPL") requests confidential classification of information in the Office of the Public Service Commission's ("OPC") Answers to FPL's First Set of Interrogatories (Nos. 1-23) and FPL's First Request for Production of Documents (Nos. 1-22). In support of this request, FPL states as follows:

1. OPC advised that certain confidential information would be included within their answers to FPL's First Set of Interrogatories (Nos. 1-23) and FPL's First Request for Production of Documents (Nos. 1-22). As a result, prior to the time that OPC filed its responses, FPL filed and served its Notice of Intent to Request Confidential Classification (the "Notice"), indicating FPL's intent to seek confidential treatment for the responses deemed confidential by FPL. The Notice was filed February 11, 2019, and is identified as Commission Document No. 00752-2019. In the Notice, FPL stated that it would file its Request for Confidential Classification ("RFCC") specifying those responses which FPL asserts is entitled to confidential treatment within 21 days, as provided by Rule 25-22.006, F.A.C.

2. Based upon FPL's review of OPC's responses to FPL's First Set of Interrogatories and First Request for Production of Documents, FPL requests confidential treatment of portions of one attachment (i.e., an excel file) produced by OPC in Response to FPL's First Request for Production of Documents. The basis for this request, which is being made within 21 days of FPL's filing of its Notice, is more fully described below and in the attachments to this RFCC.

3. The following exhibits are included with and made a part of this request:

a. Exhibit A consists of a copy of the confidential material on which all of the information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of a copy of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A and a brief description of the confidential information. Exhibit C also references the specific statutory bases for the claim of confidentiality and identifies the declarant who support the requested classification.

d. Exhibit D contains the declaration of Ray Lozano in support of this Request.

4. FPL submits that the information contained within the portions of the response highlighted in Exhibit A, is proprietary confidential business information within the meaning of Section 366.093(3), Fla. Stat. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, 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. As described more fully in the declaration included as Exhibit D, portions of the excel file produced by OPC in response to FPL's First Request for Production contain information concerning contractor rates or other contractual data, the disclosure of which would impair the



efforts of FPL or its affiliates to contract for goods and services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

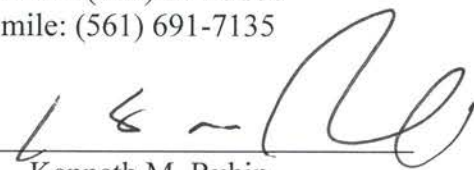
6. Also, certain information concerns FPL's competitive interests, the disclosure of which would impair the competitive business of FPL and its vendors. This information is protected by Section 366.093(3)(e), Fla. Stat.

7. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (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* § 399.093(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 Request for Confidential Classification be granted.

Respectfully submitted this 4th day of March 2019.

Kenneth M. Rubin  
Senior Counsel  
[ken.rubin@fpl.com](mailto:ken.rubin@fpl.com)  
Kevin I. C. Donaldson  
Senior Attorney  
[Kevin.donaldson@fpl.com](mailto:Kevin.donaldson@fpl.com)  
Christopher T. Wright  
Senior Attorney  
[Christopher.Wright@fpl.com](mailto:Christopher.Wright@fpl.com)  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5170  
Facsimile: (561) 691-7135

By:   
Kenneth M. Rubin  
Florida Bar No. 0349038

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing\* has been furnished


by electronic service on this 4th day of March 2019 to the following:

Suzanne S. Brownless, Esq.  
Special Counsel  
Ashley Weisenfeld, Esq.  
Office of General Counsel  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
sbrownle@psc.state.fl.us  
aweisenf@psc.state.fl.us  
**Florida Public Service Commission**

Robert Scheffel Wright, Esq.  
John T. LaVia, III, Esq.  
Gardner, Bist, Bowden, Bush, Dee,  
LaVia, & Wright, P.A.  
1300 Thomaswood Drive.  
Tallahassee, Florida 32308  
[schef@gbwlegal.com](mailto:schef@gbwlegal.com)  
[jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)  
**Florida Retail Federation**

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Stephanie A. Morse, Esq.  
Charles J. Rehwinkel, Esq.  
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118 North Gadsden Street  
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[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)  
[kputnal@moyle.com](mailto:kputnal@moyle.com)  
**Florida Industrial Power Users Group**

By:   
Kenneth M. Rubin

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

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**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**

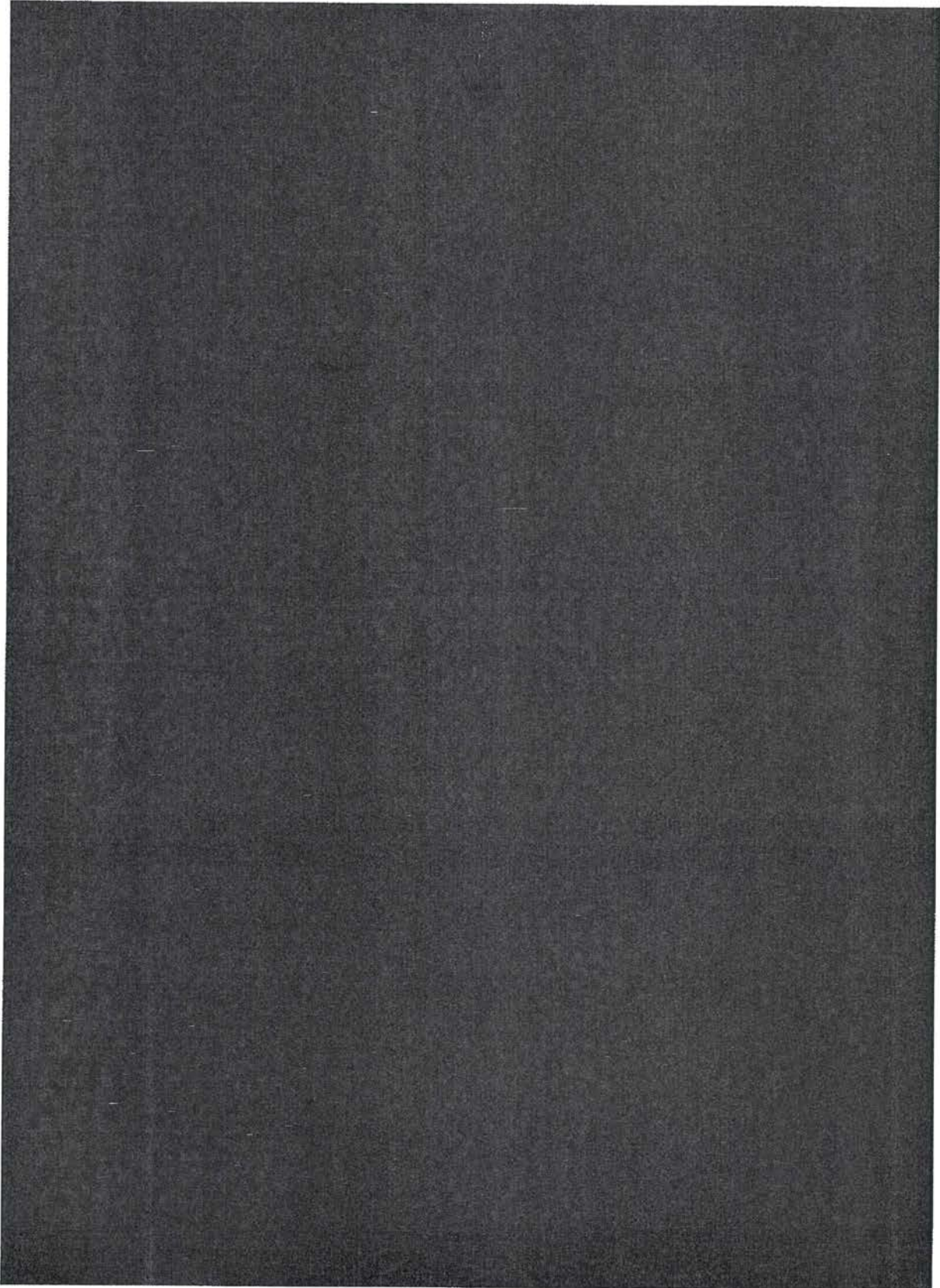
# **EXHIBIT B**

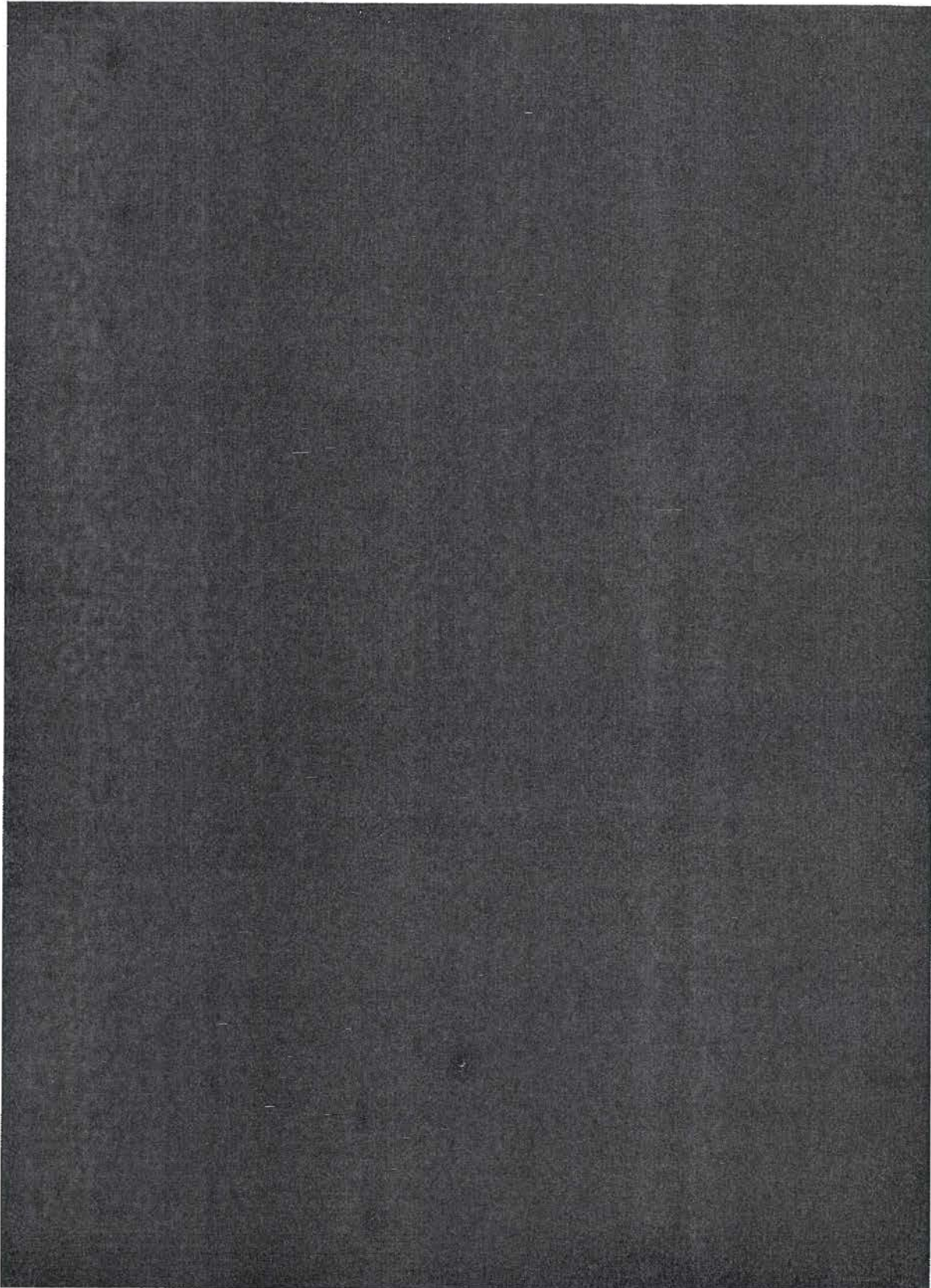
## **REDACTED COPIES**

**CONFIDENTIAL**

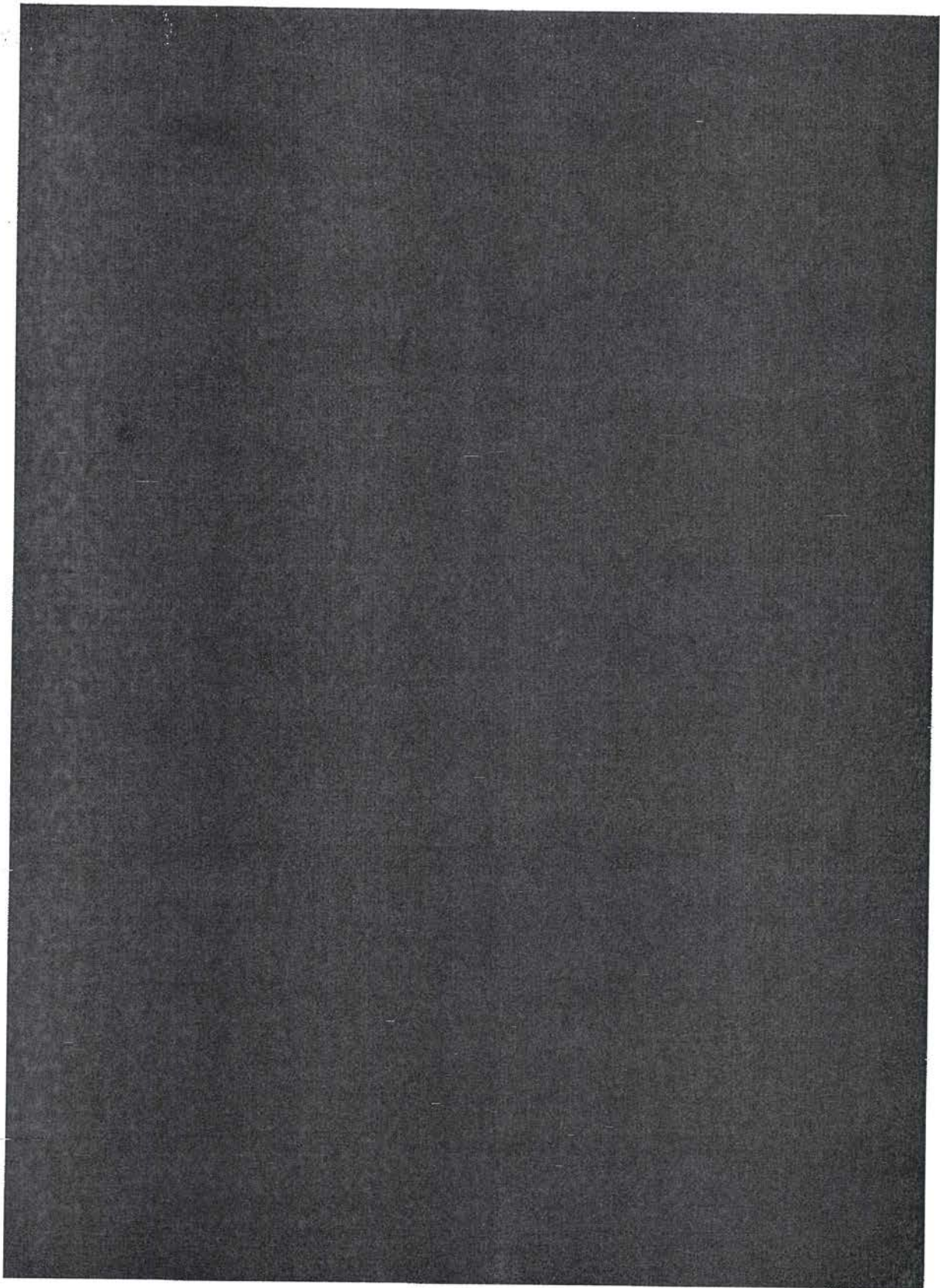
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1	Regular Payroll & Related Costs Capitalized		72,404,000	Co. Exhibit KF-2
2	Hourly Labor Rate (LVM)			OPC IR No. 76
3	Capitalized Hours			Line 1 / Line 2
4	Average Contractor Rate			Schedule C, Page 3
5	Contractor Employees			
6	Calculated Labor & Payroll Overhead Rate	740		Line 4 x Line 5
7	Estimated Labor & Overhead Cost			Line 3 x Line 8
8	Vehicle Expense	0		
9	Meals, Per Diem	0		
10	Estimated Vehicle/ Miscellaneous Cost		0	
11	OPC Estimated Loaded Overtime Cost (LVM)			
12	Co. Estimated Capitalization Rate (LVM)		72,404,000	
13	Adjustment for Contractor Capitalization		(278,754,105)	





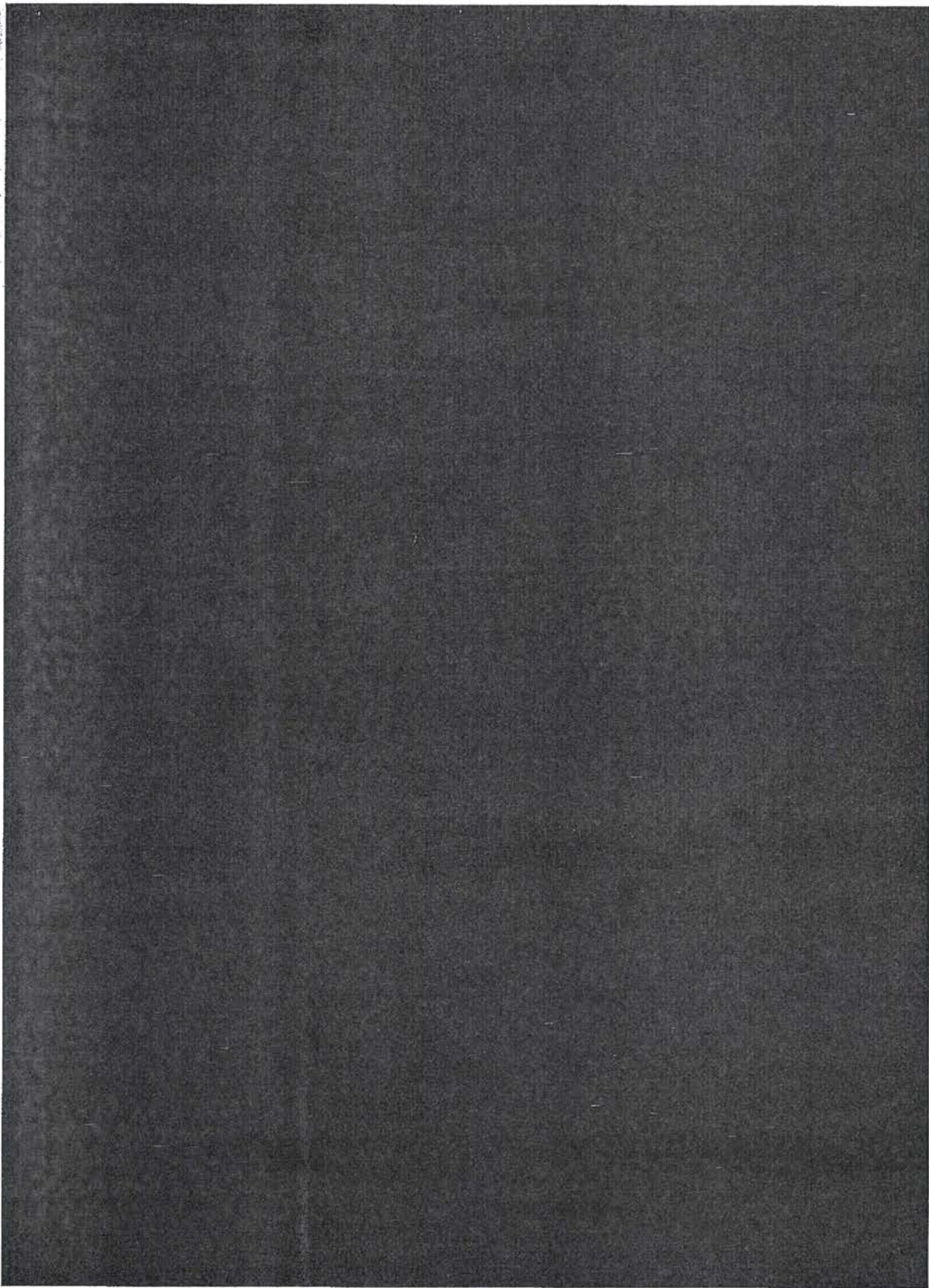




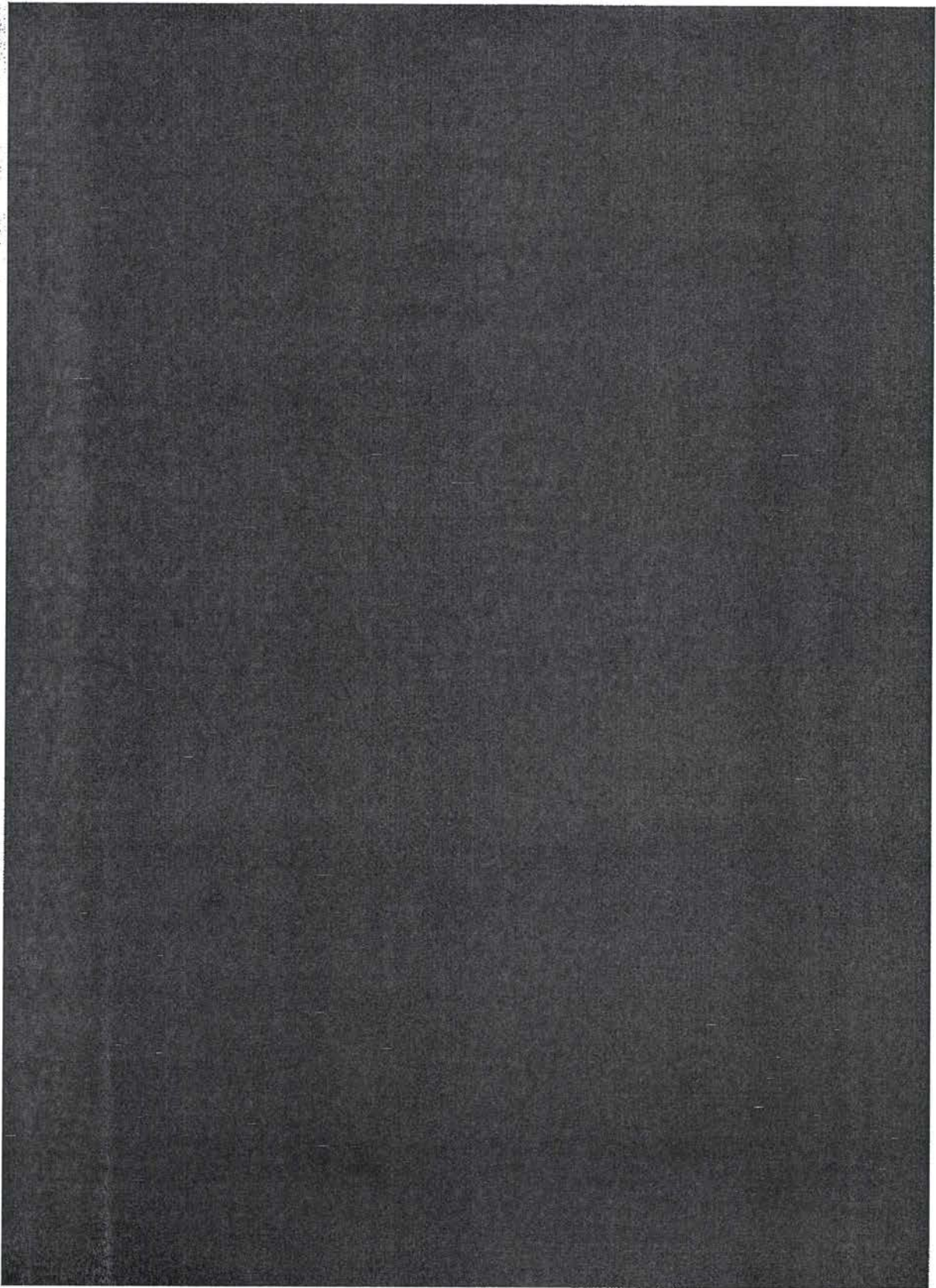


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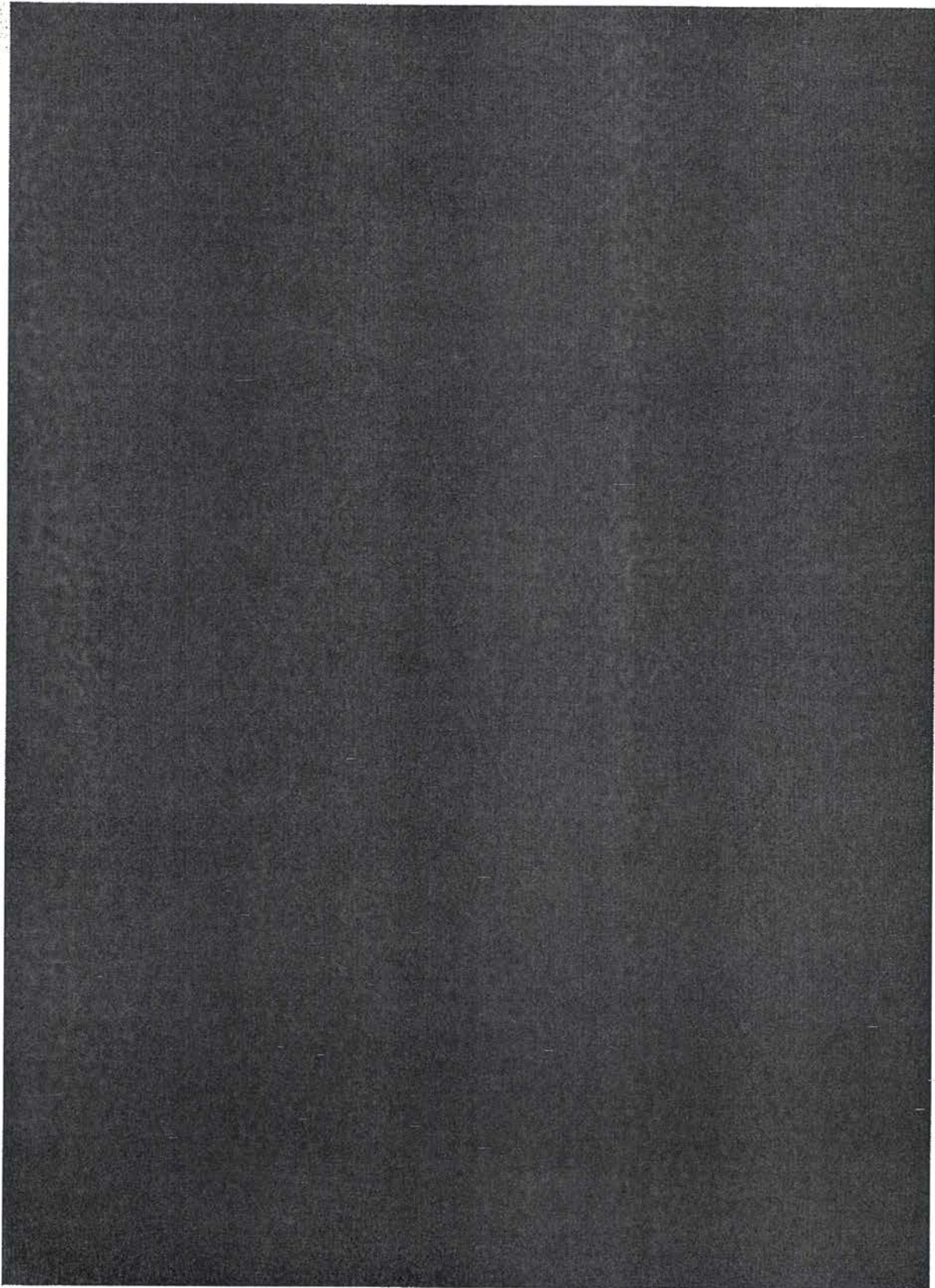
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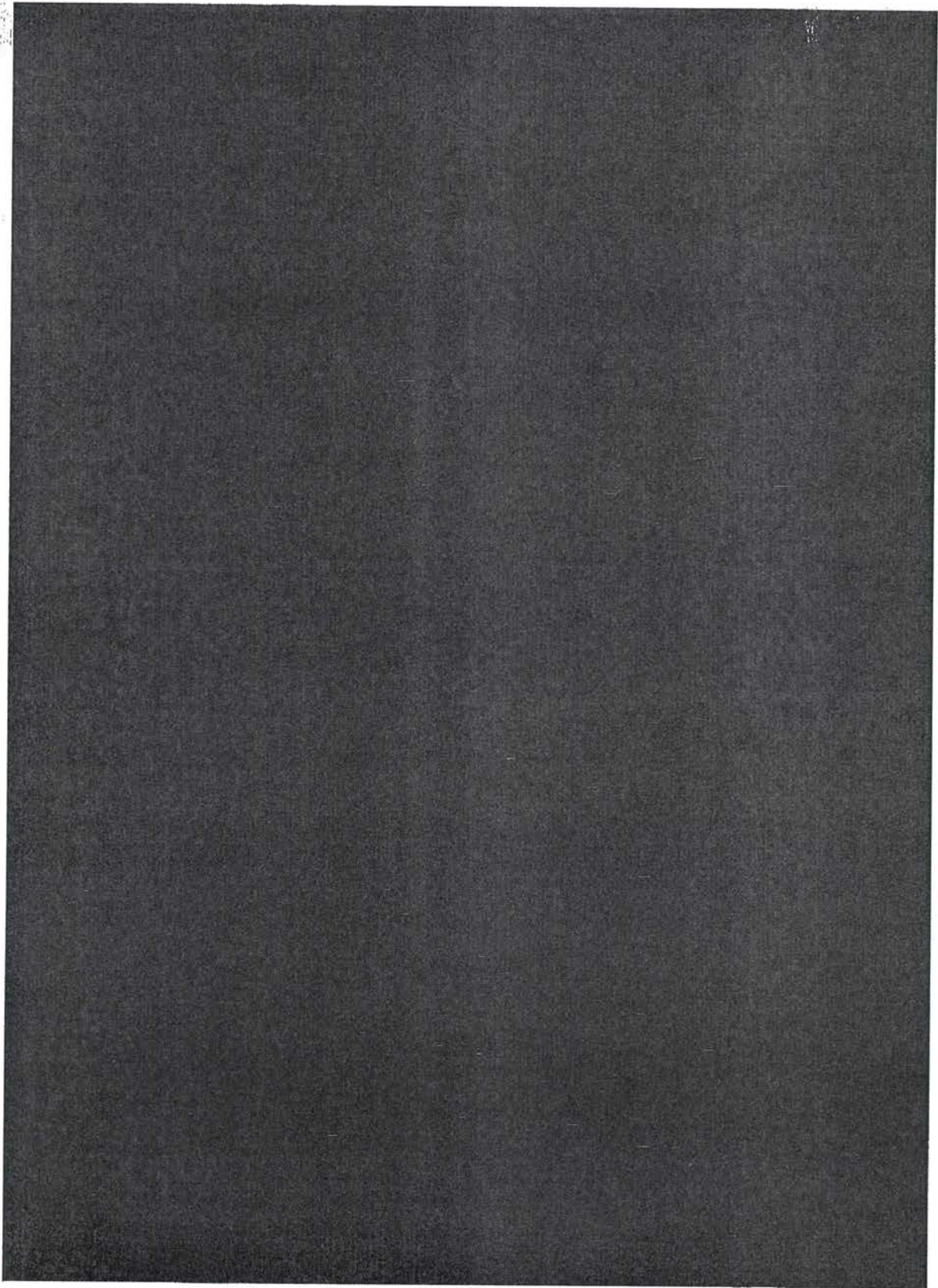








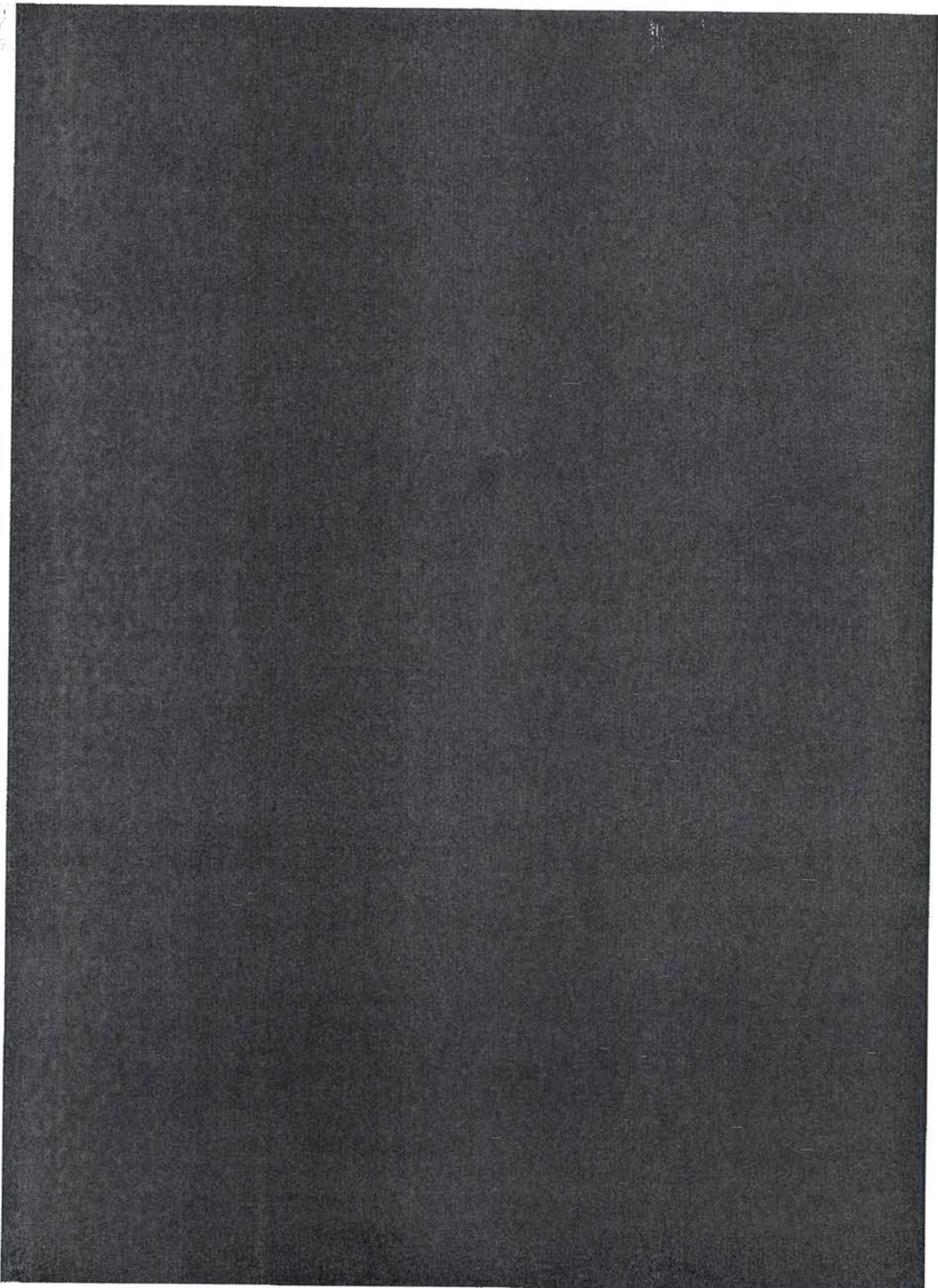
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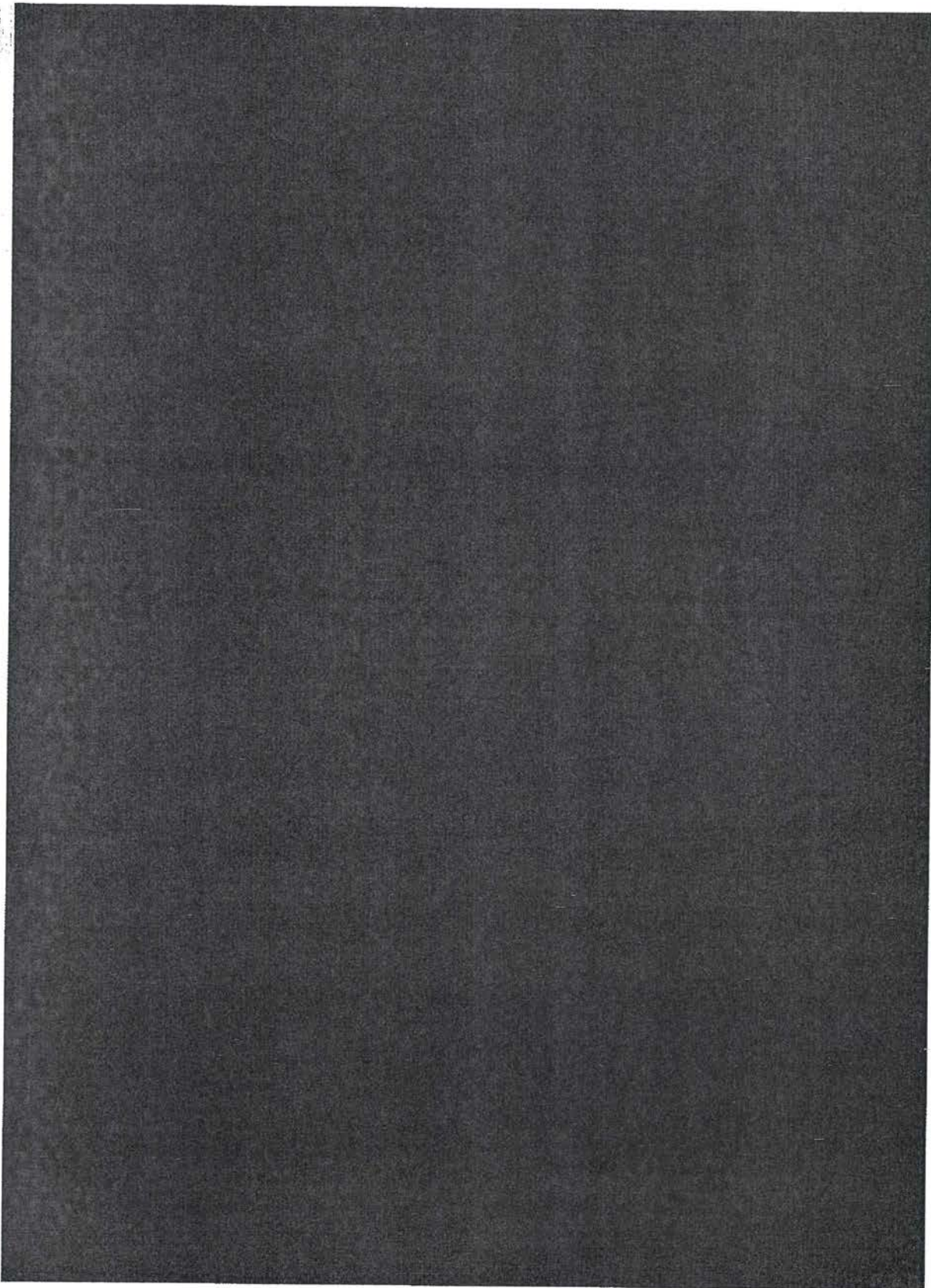


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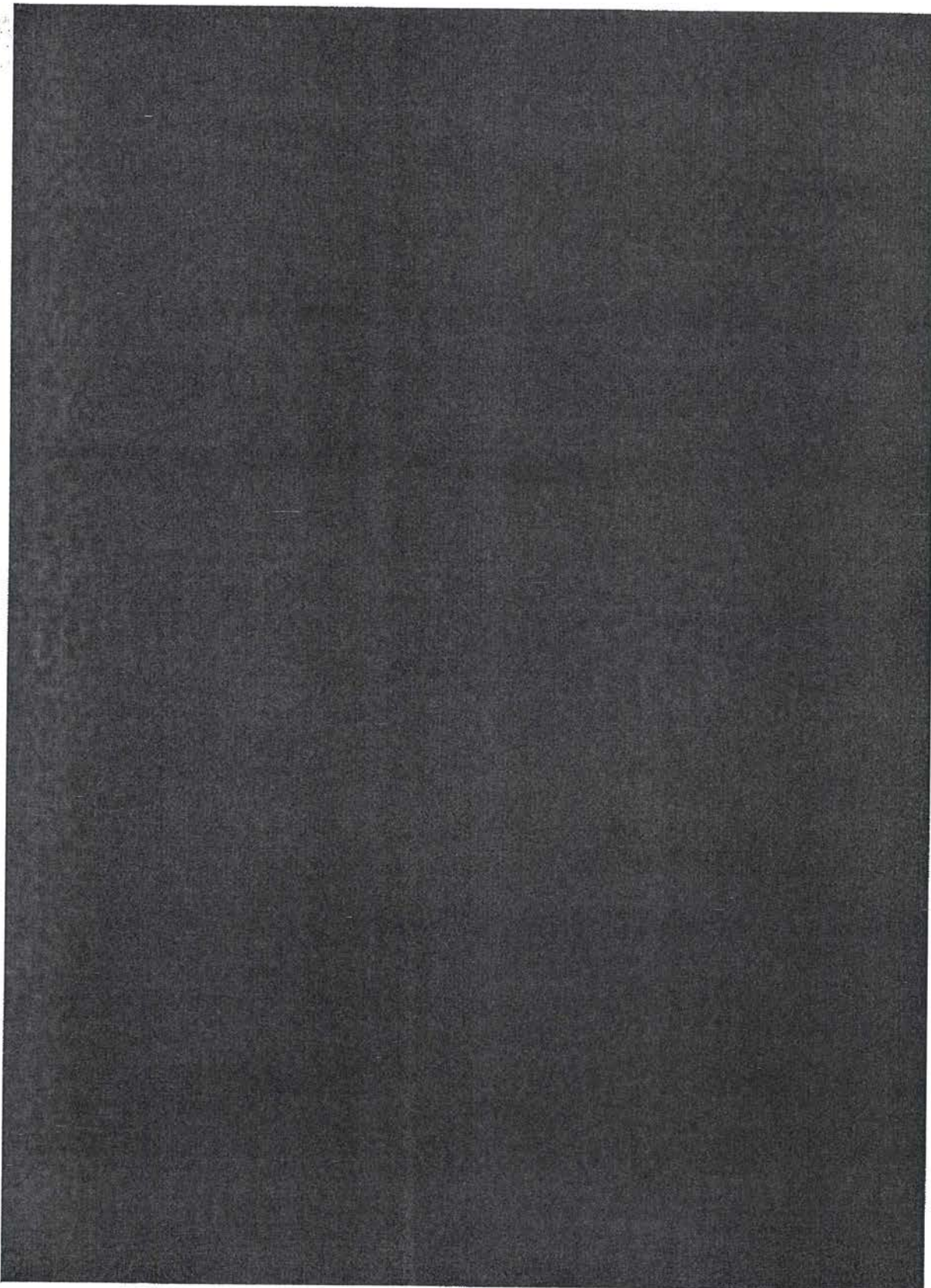










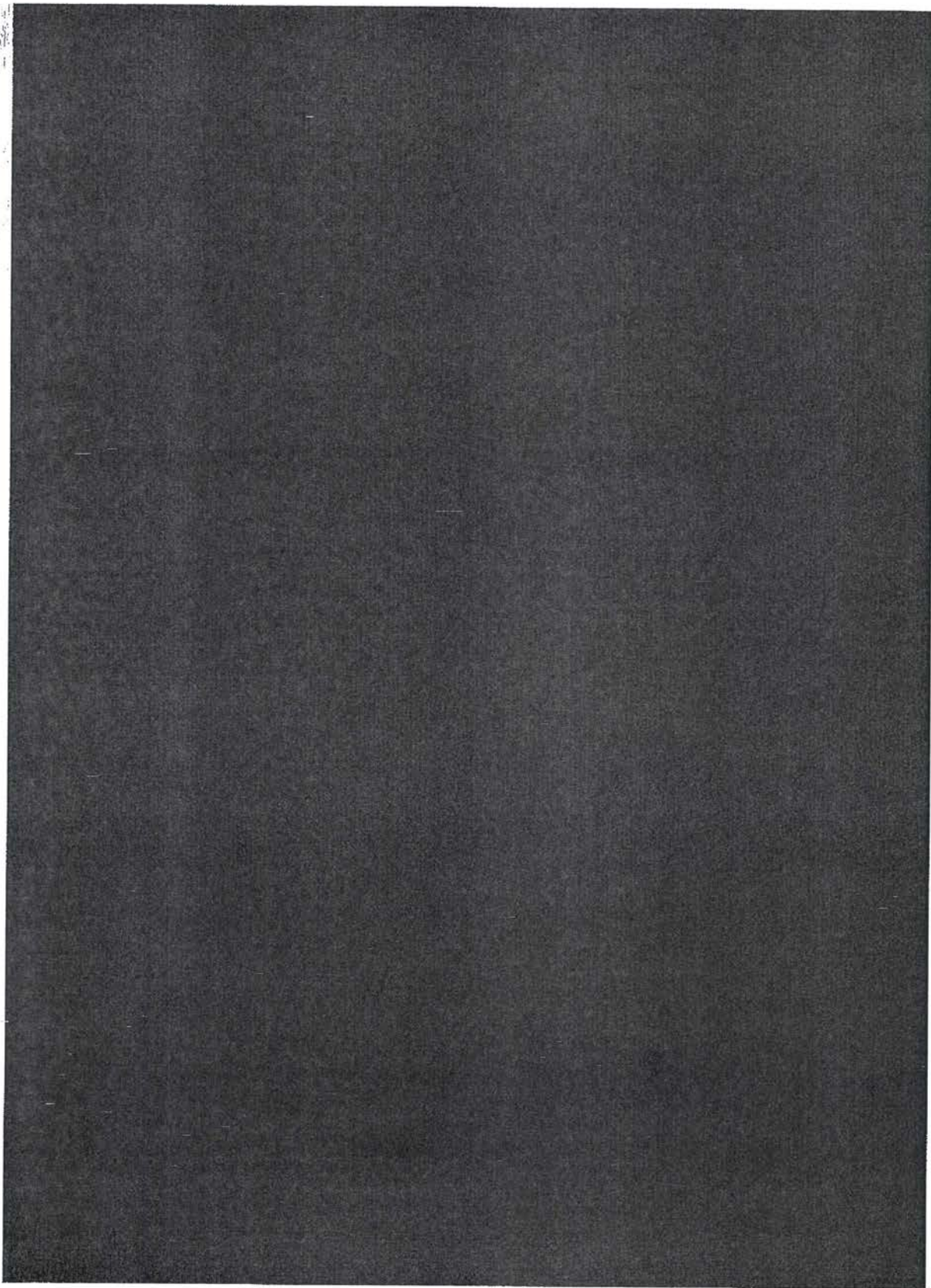


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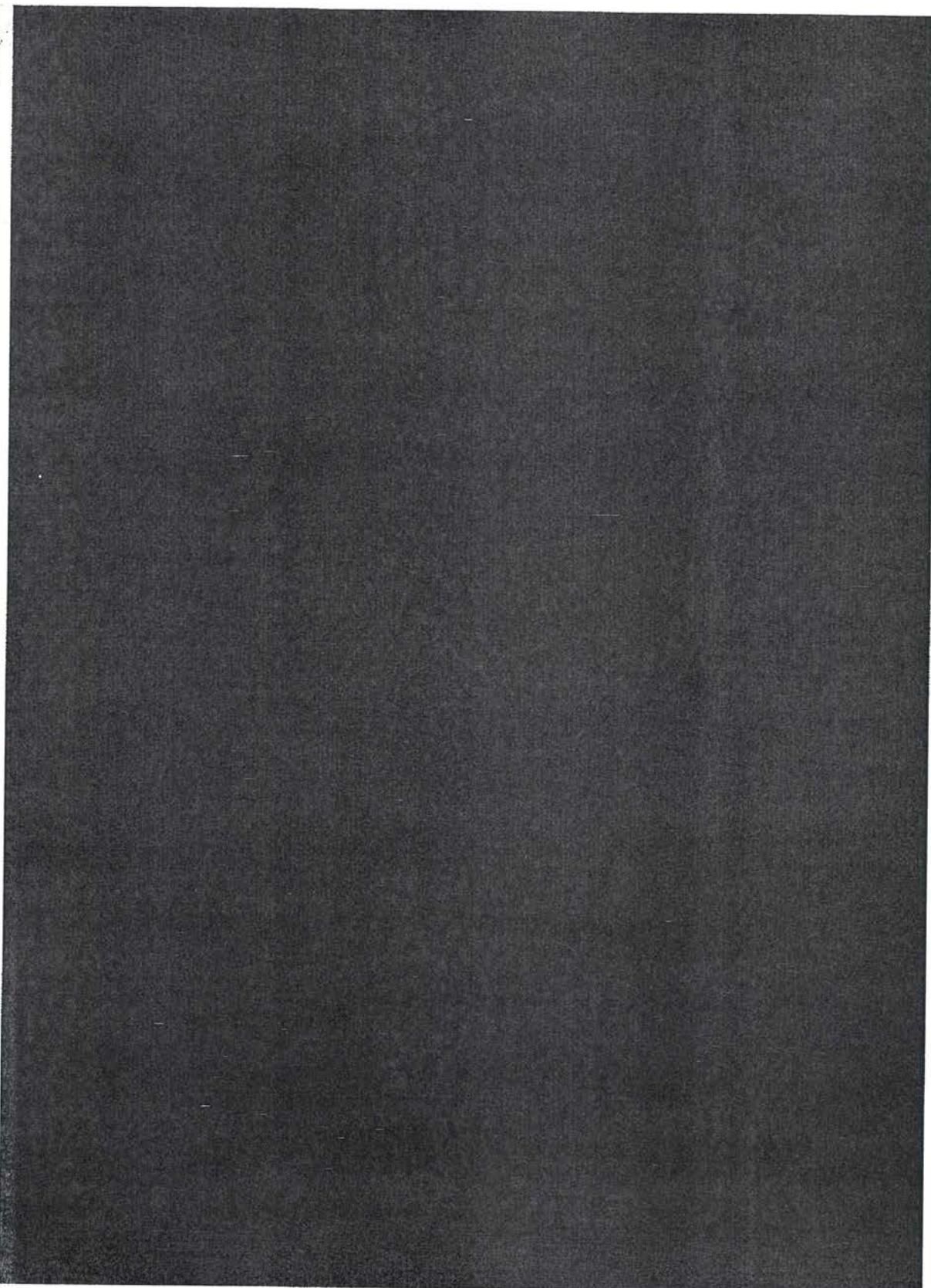


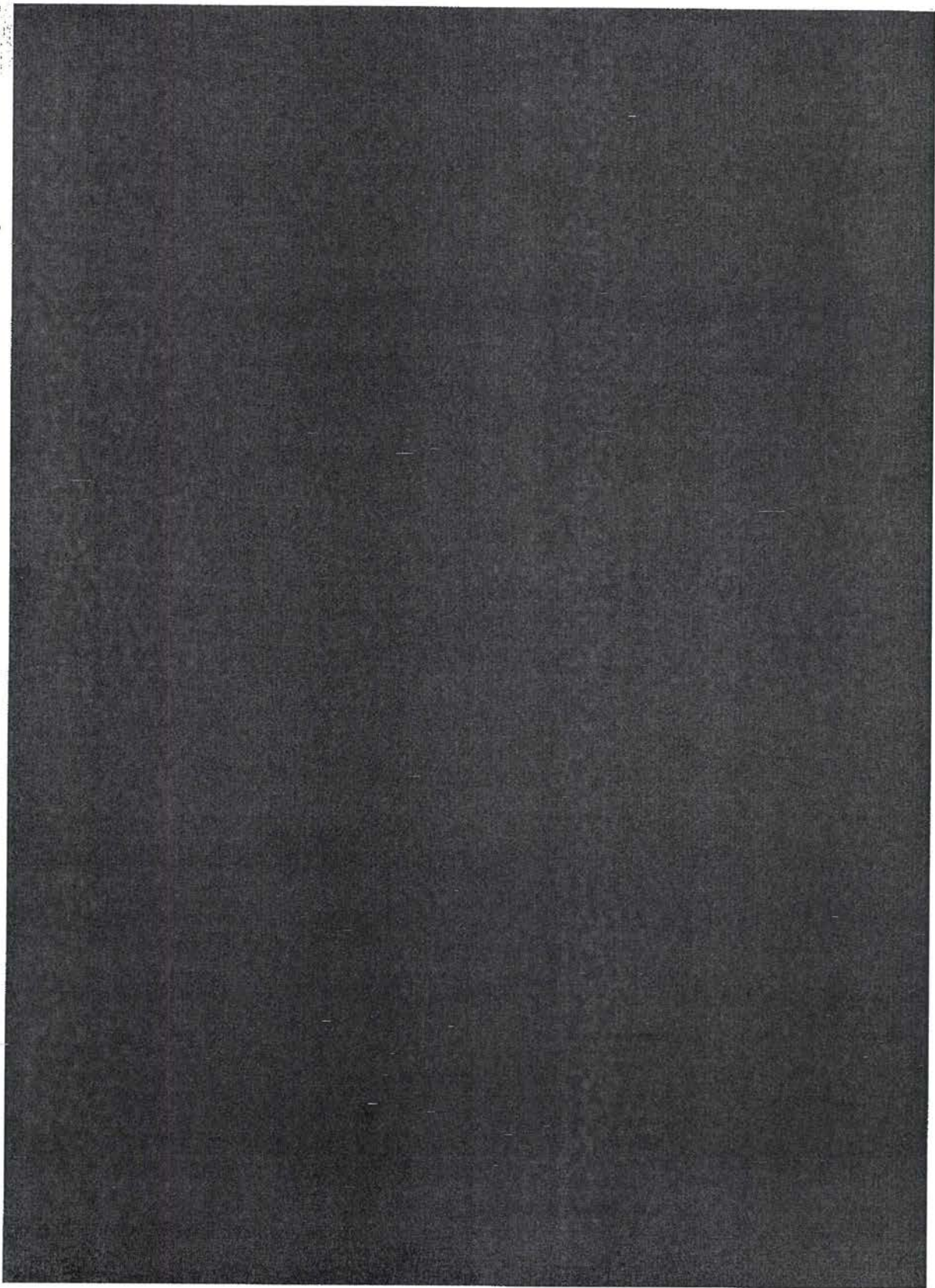
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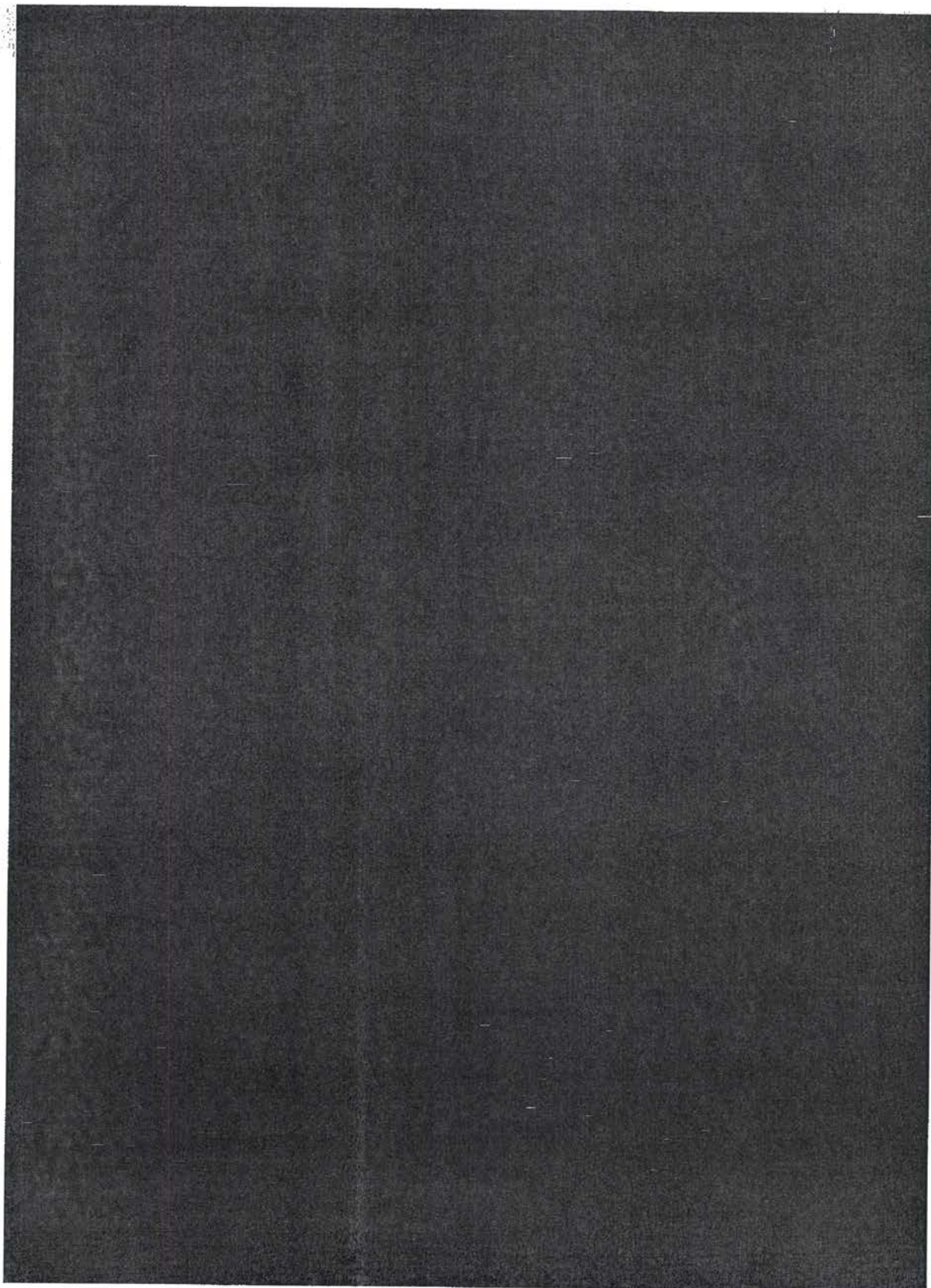






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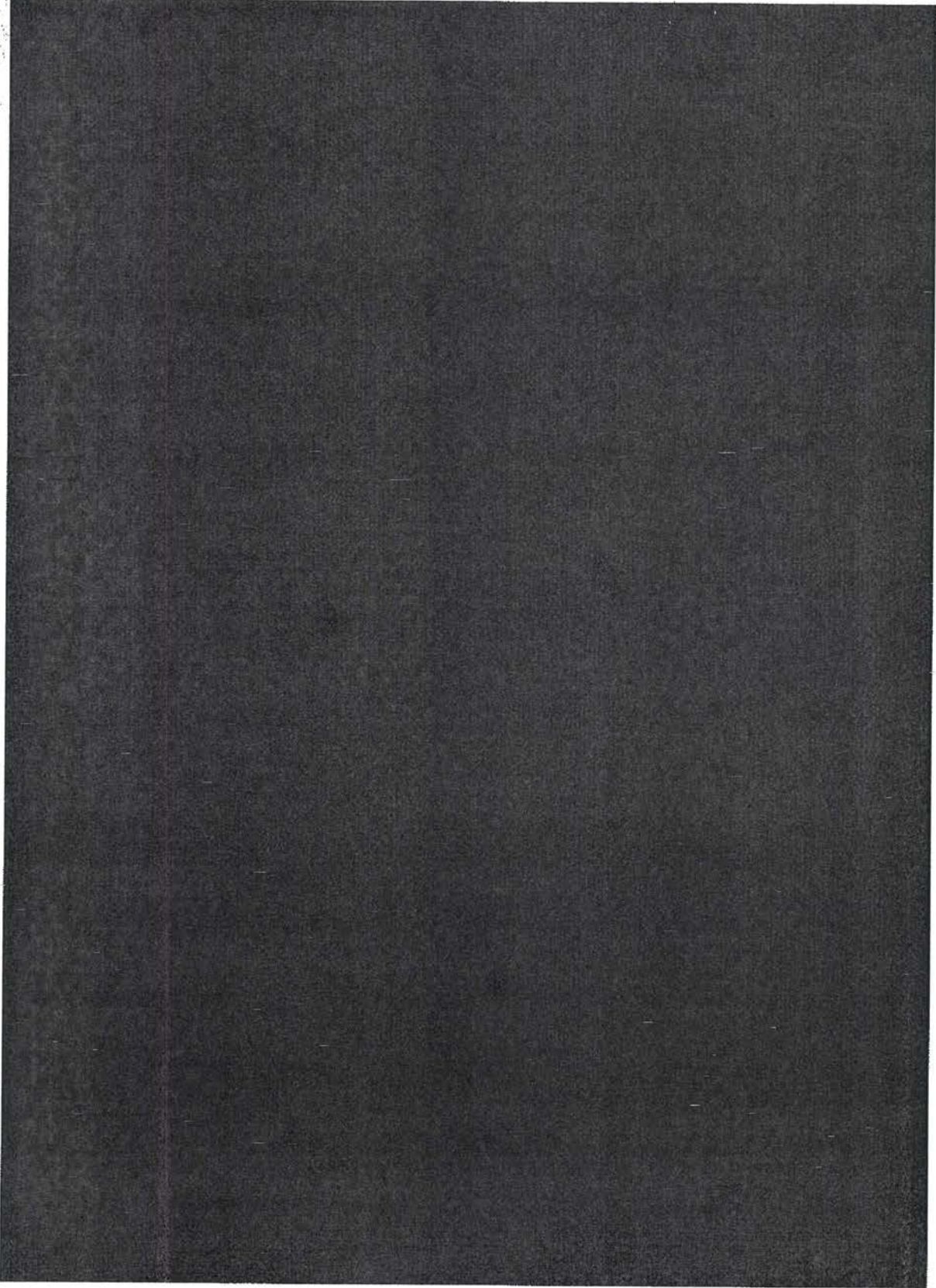
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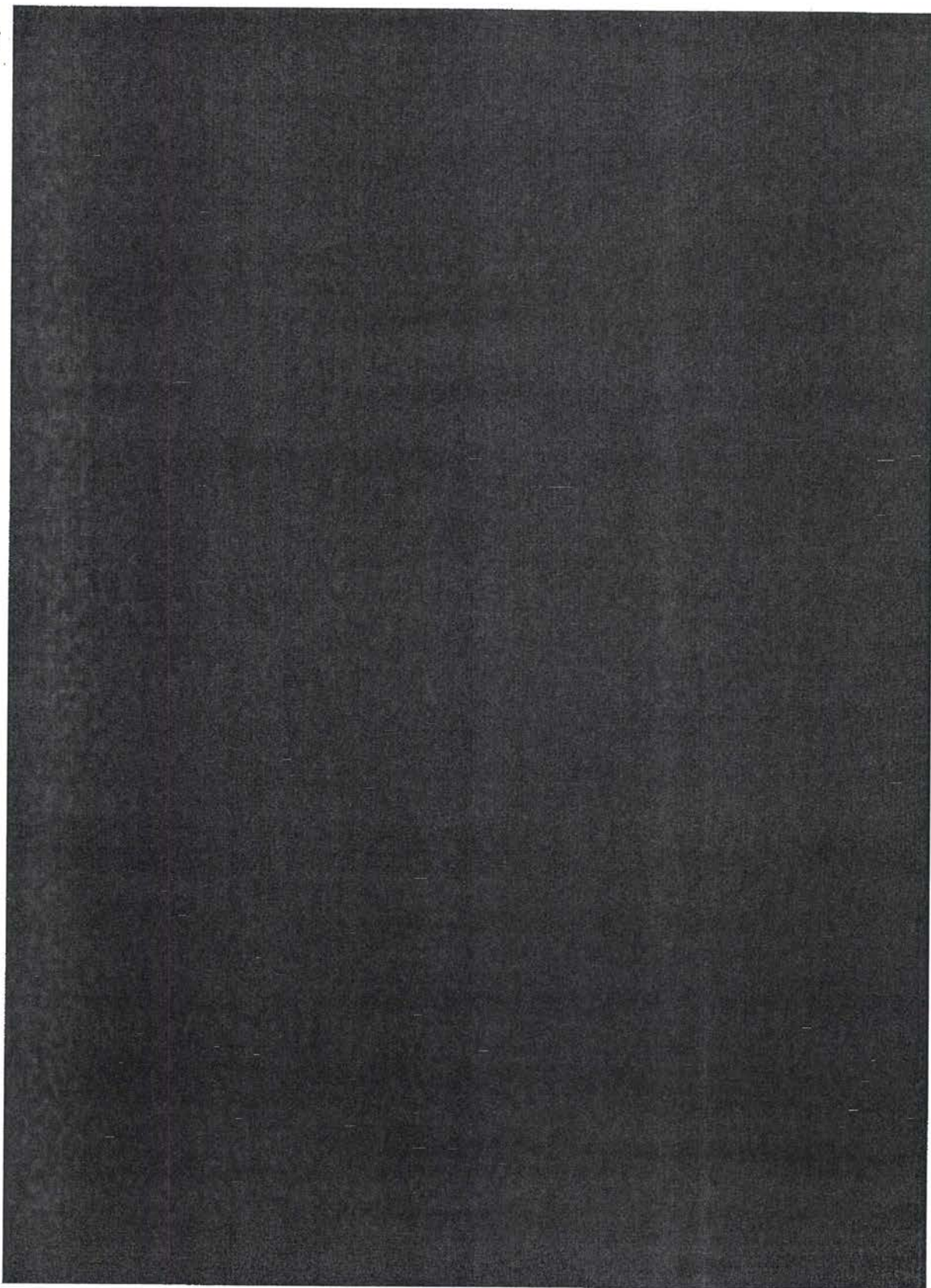


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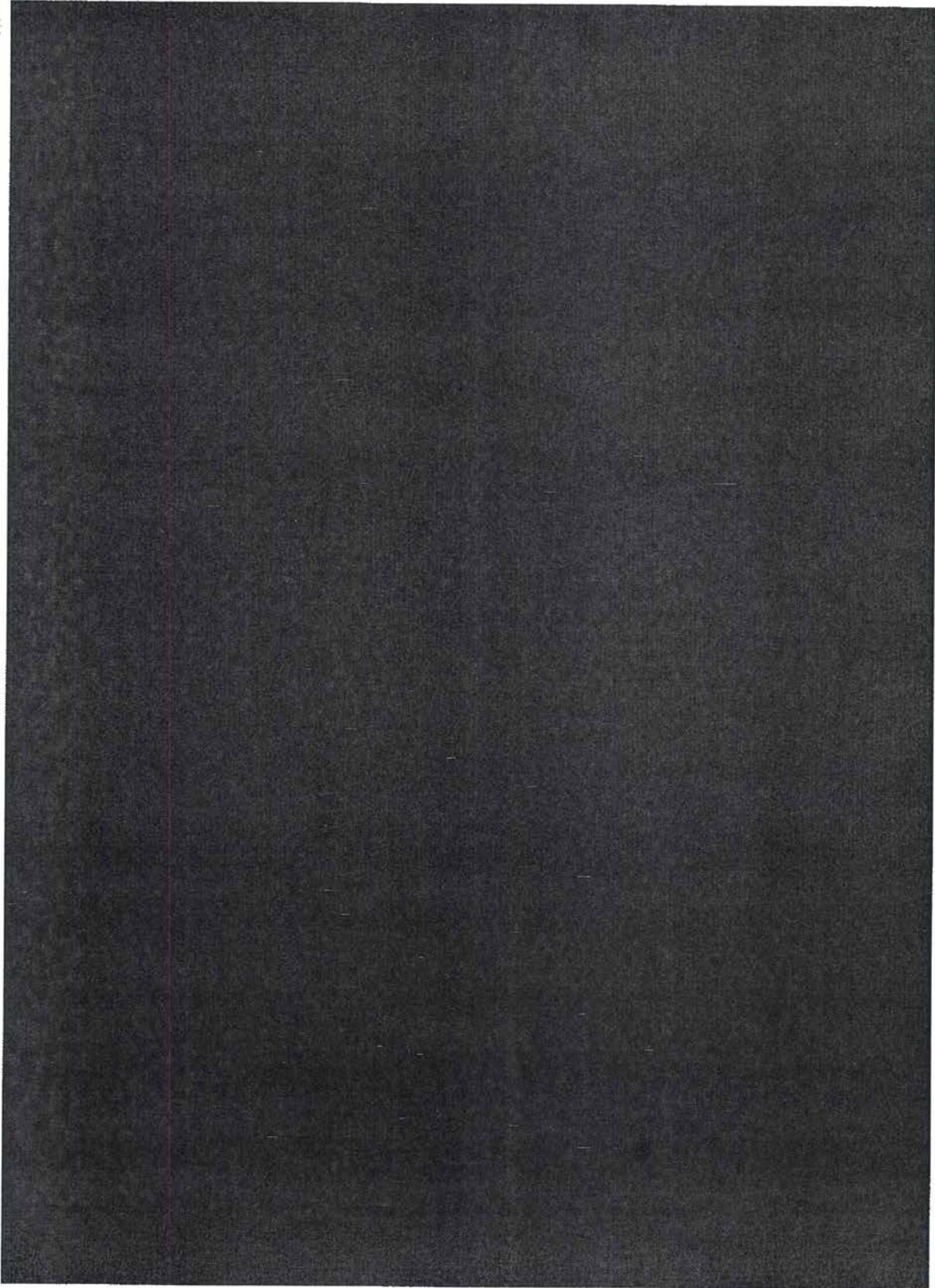
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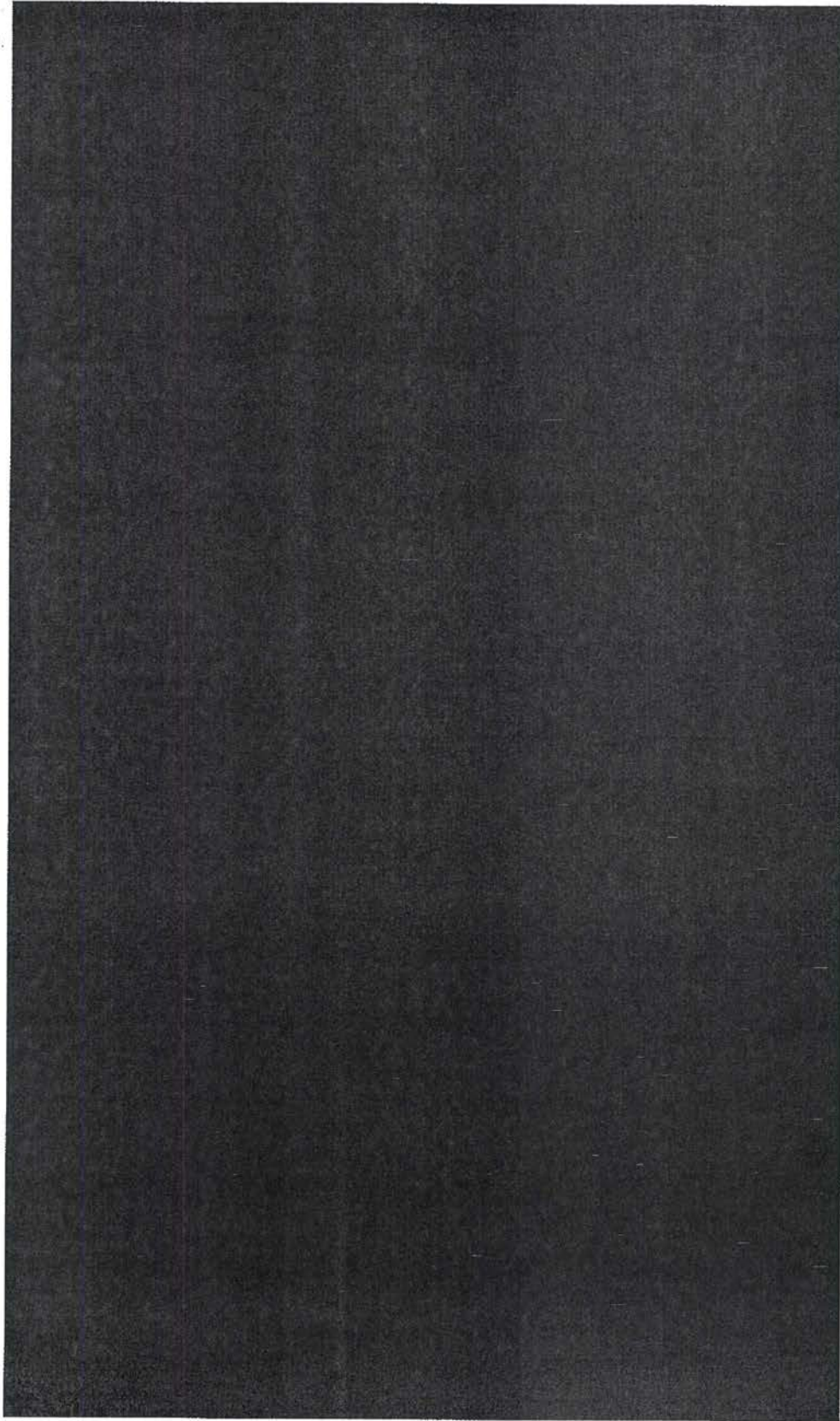






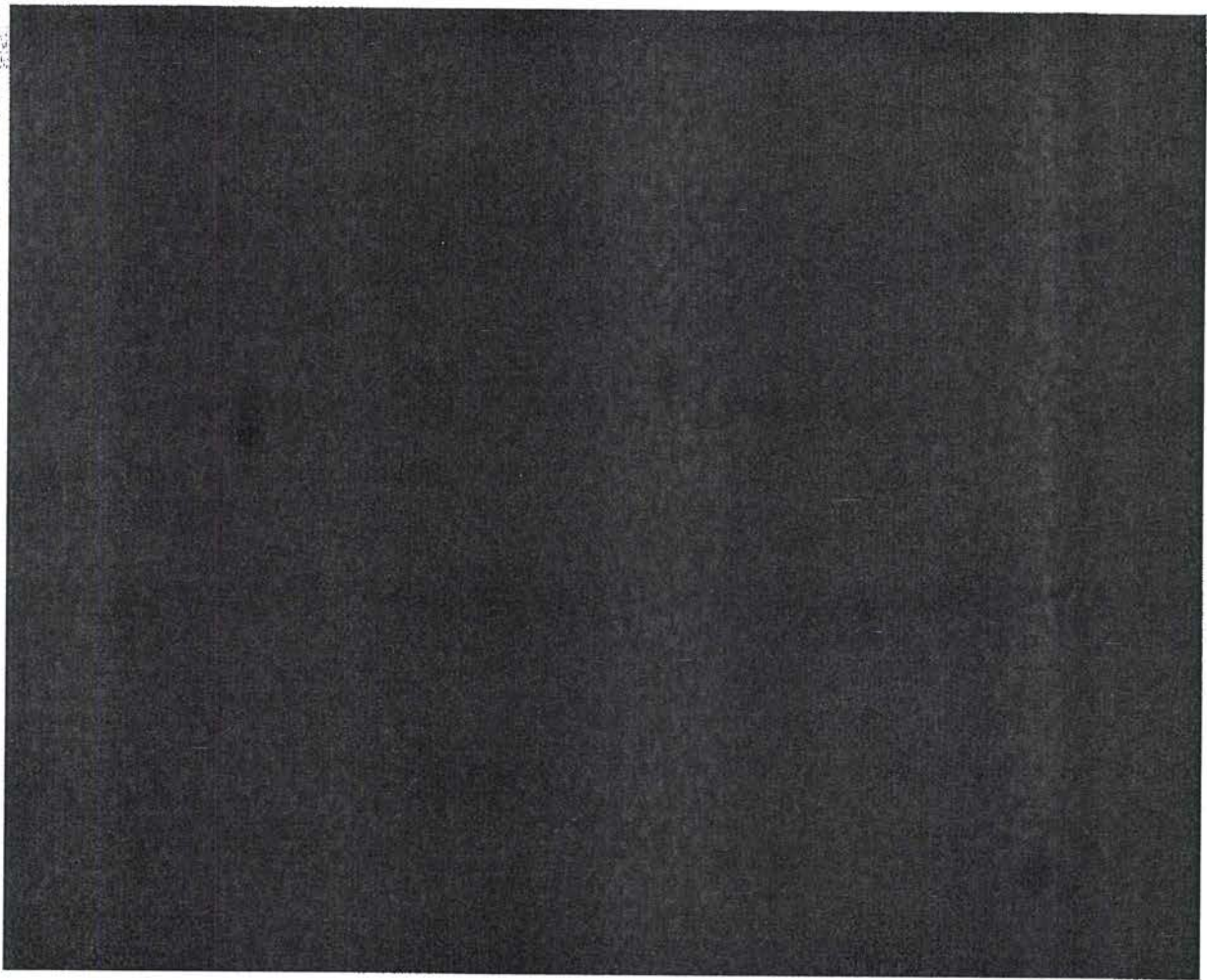


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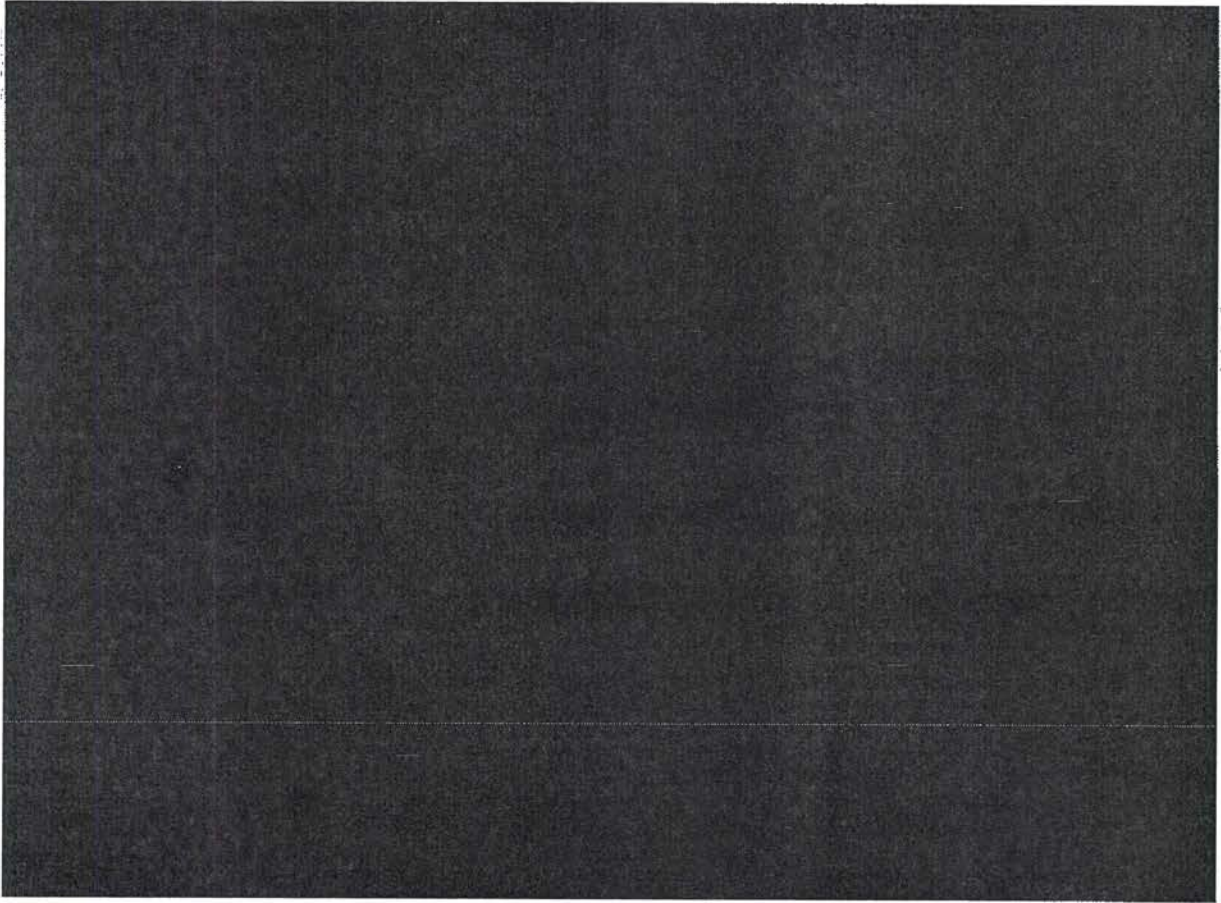


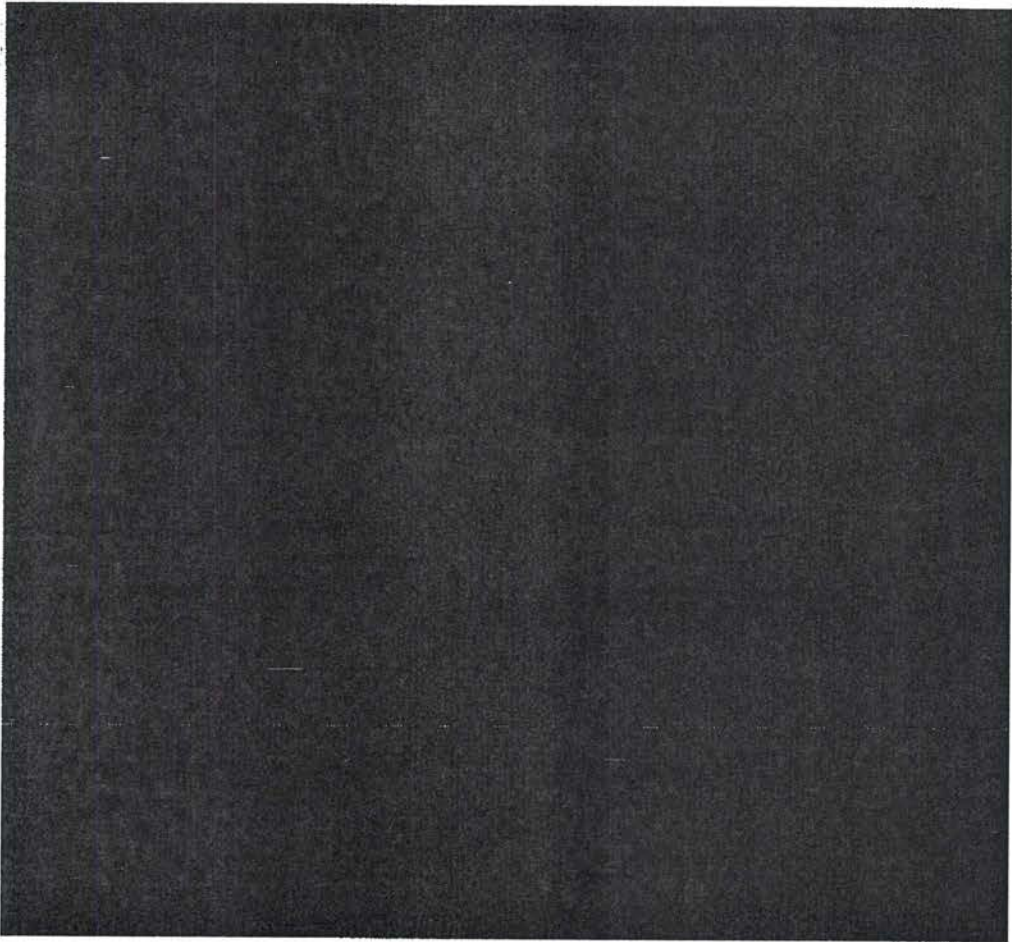
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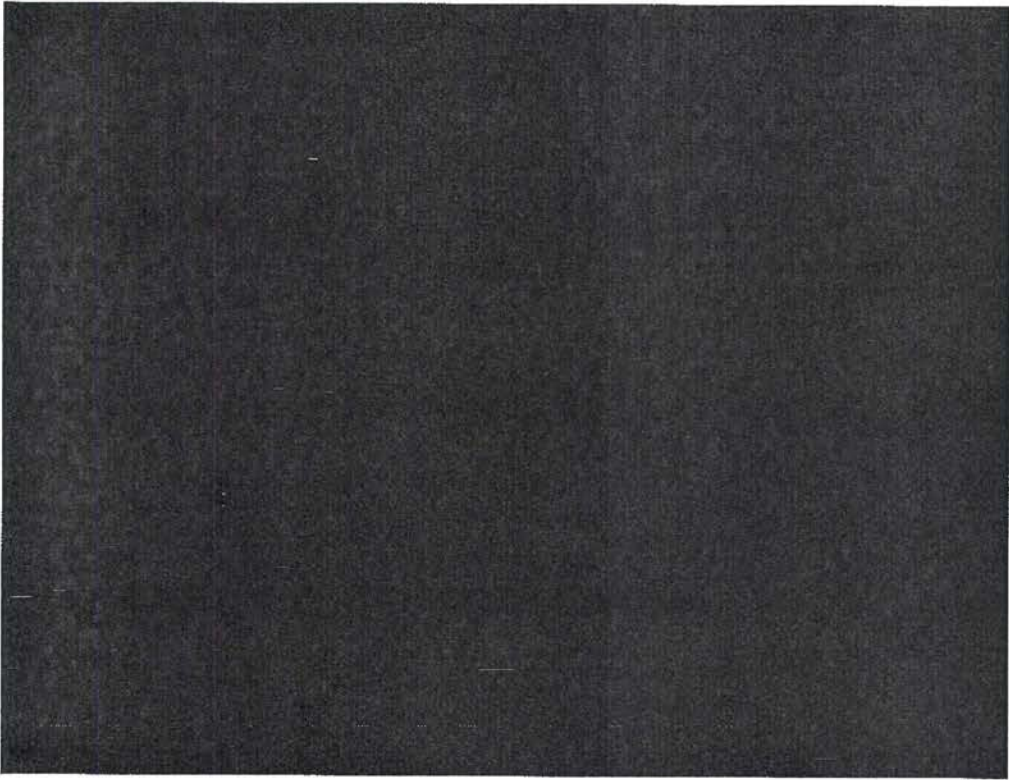




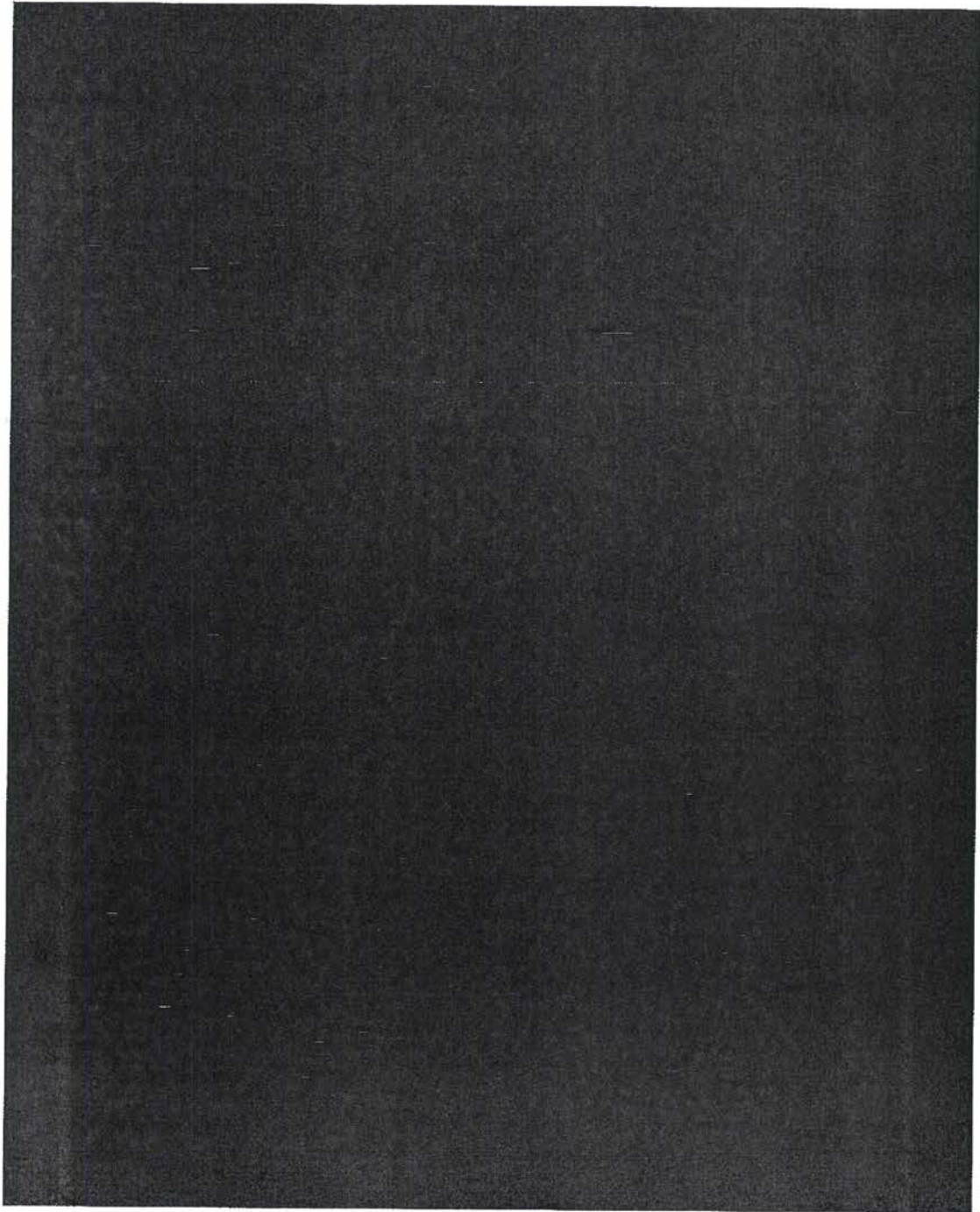




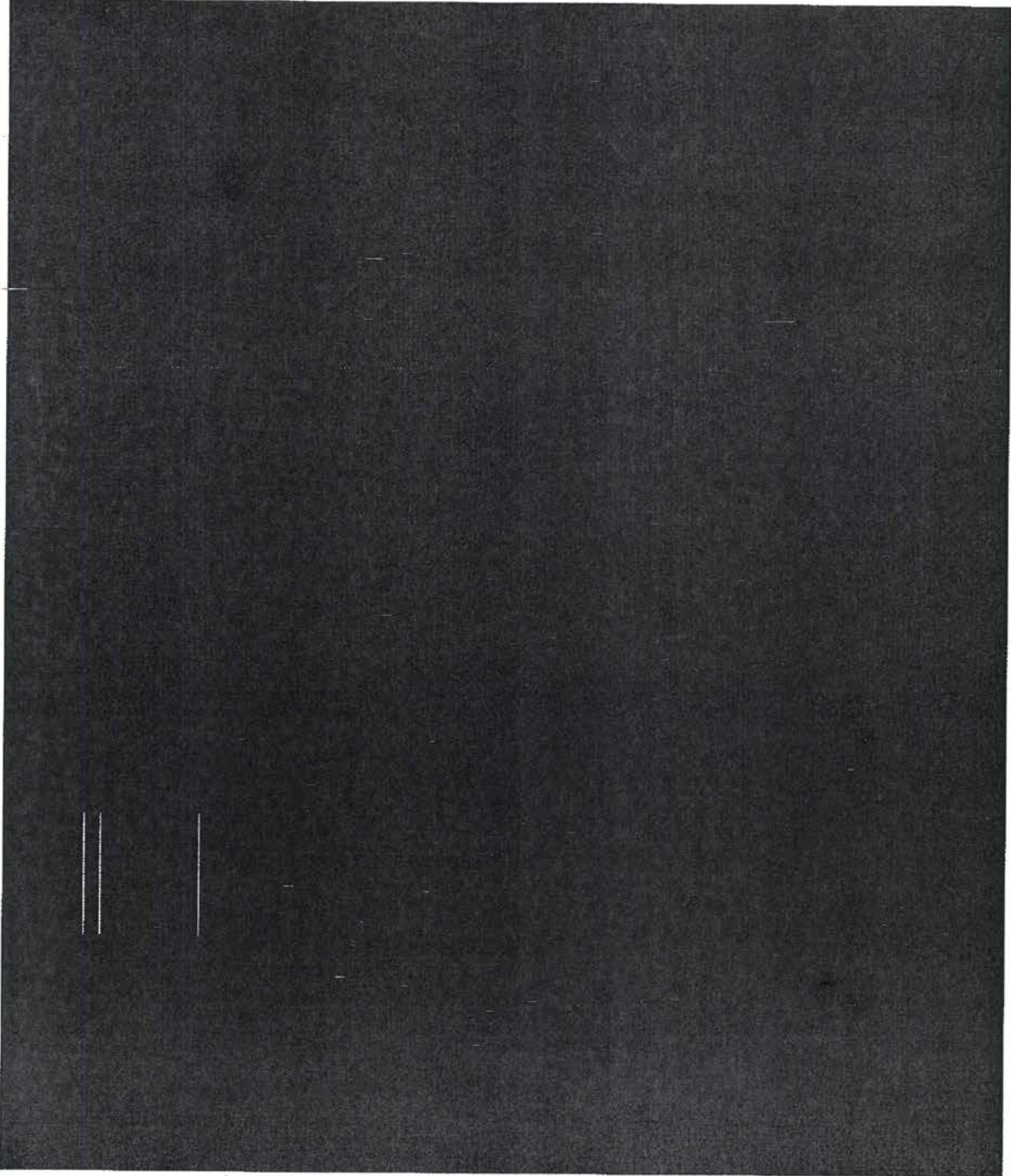


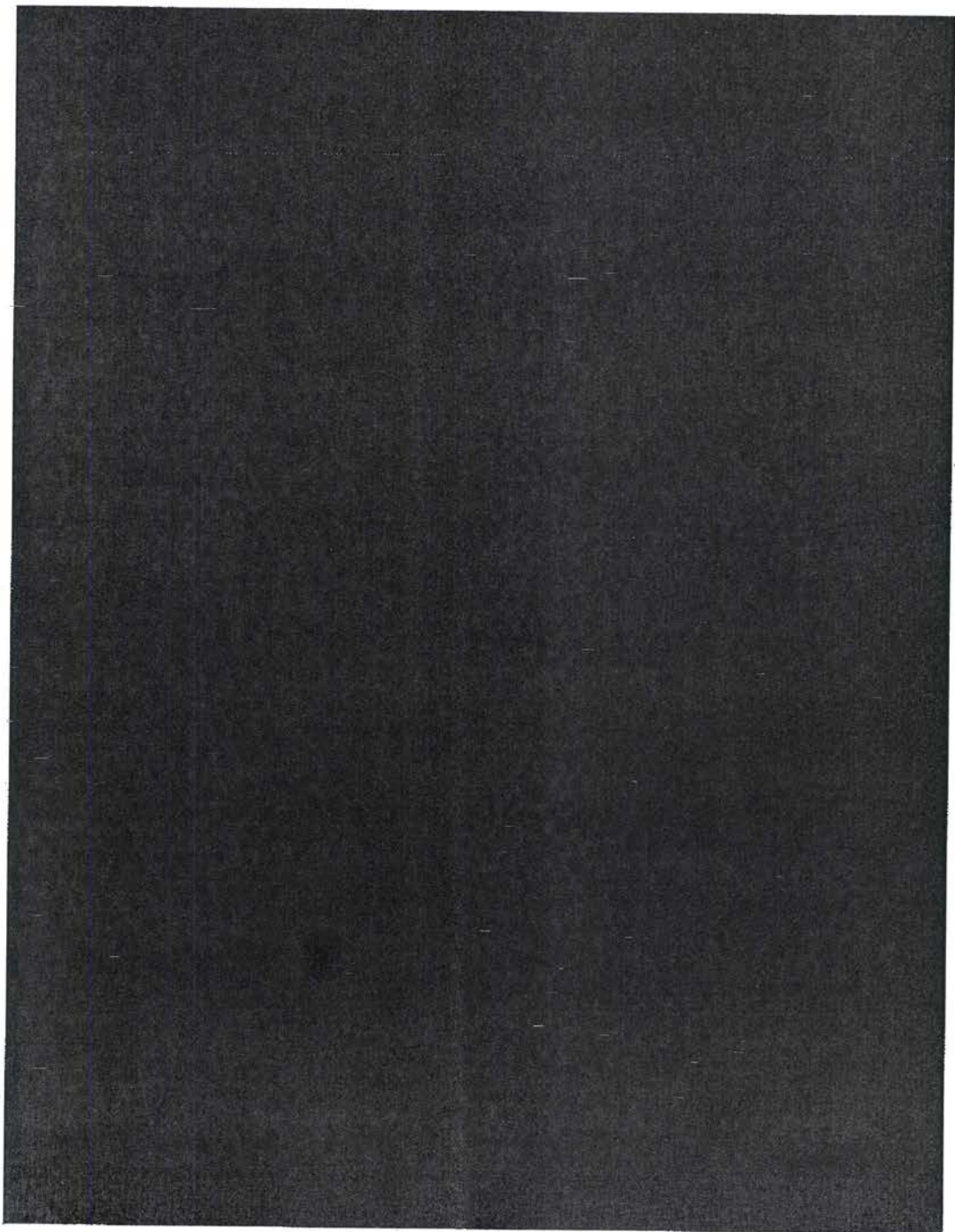


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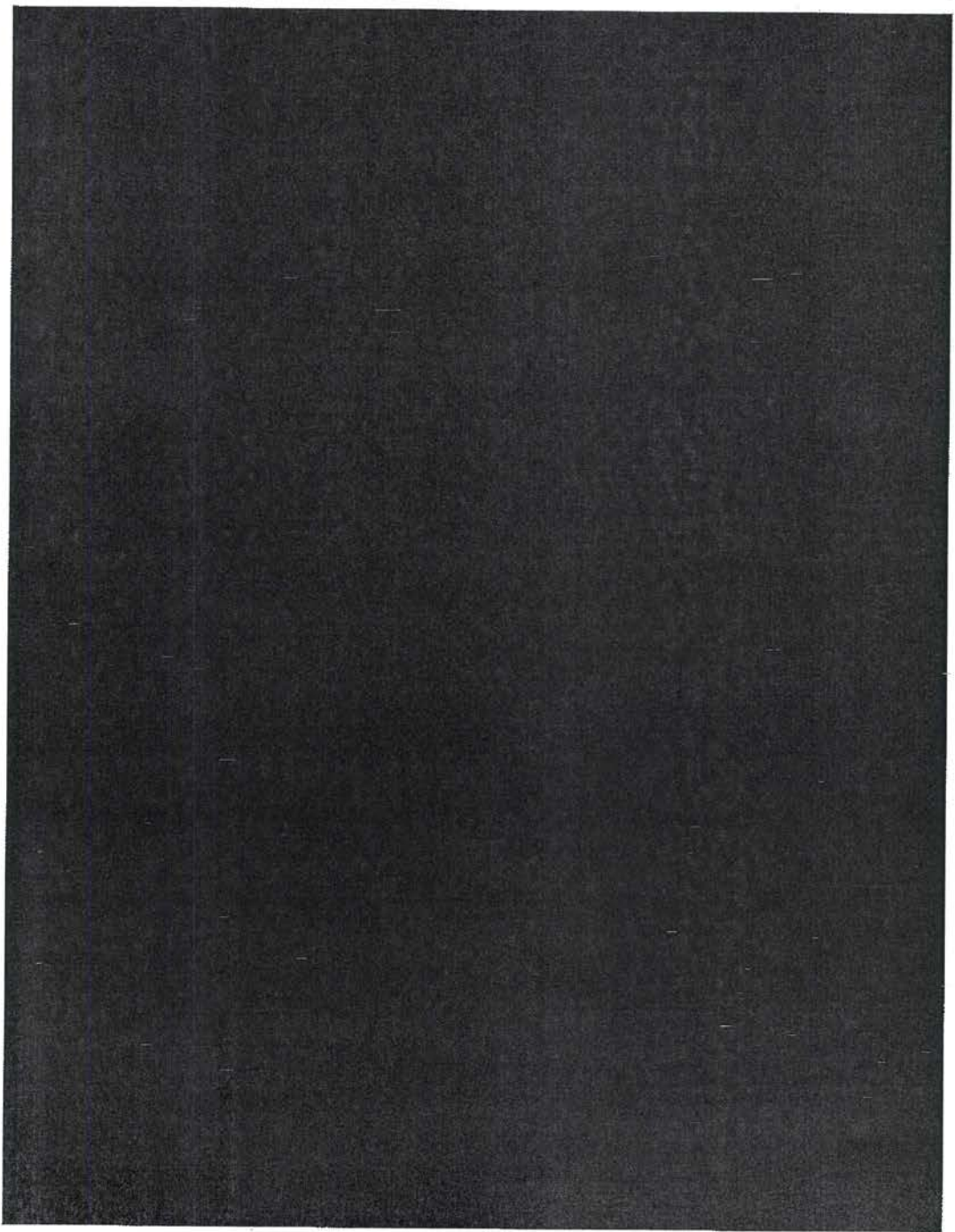


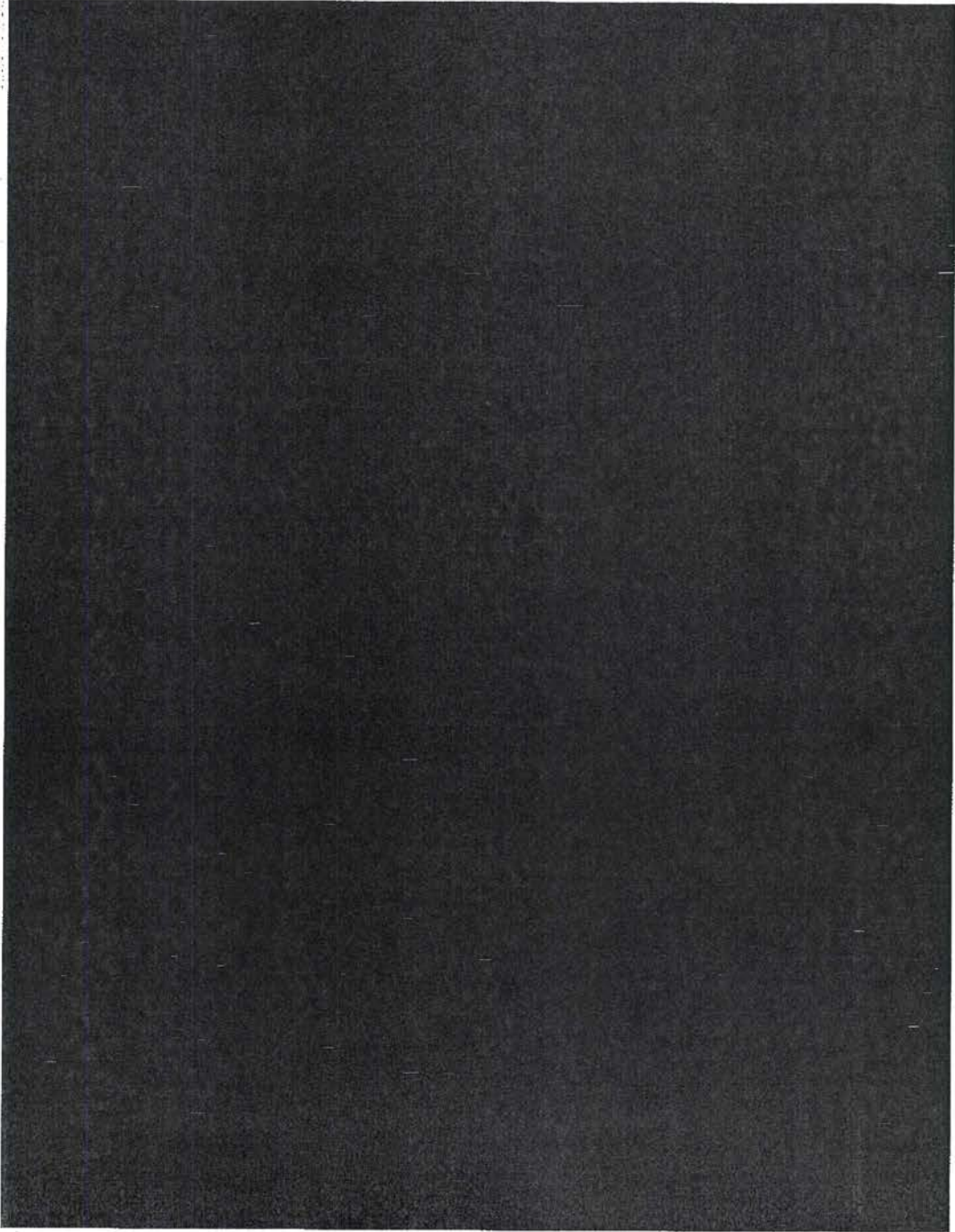




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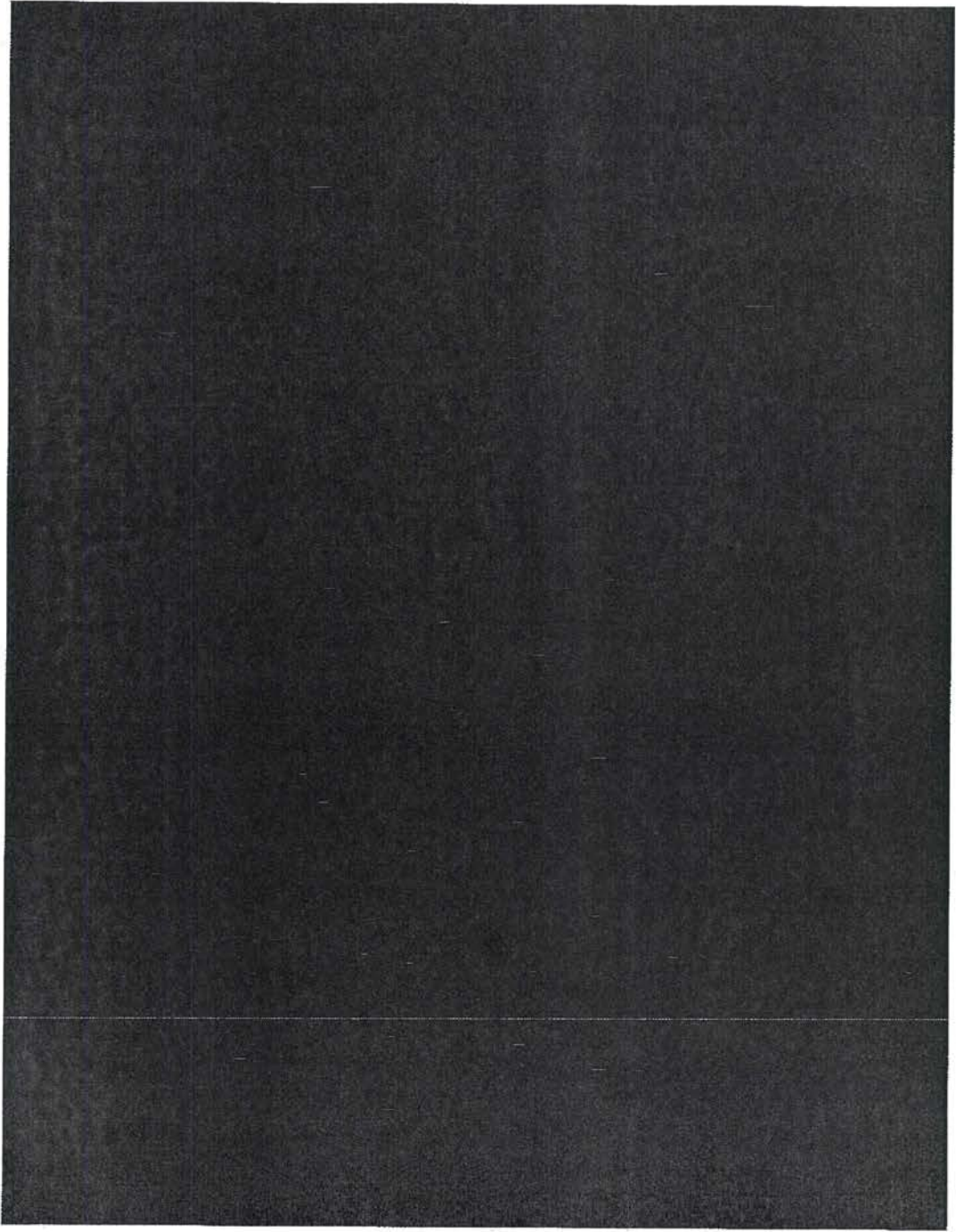


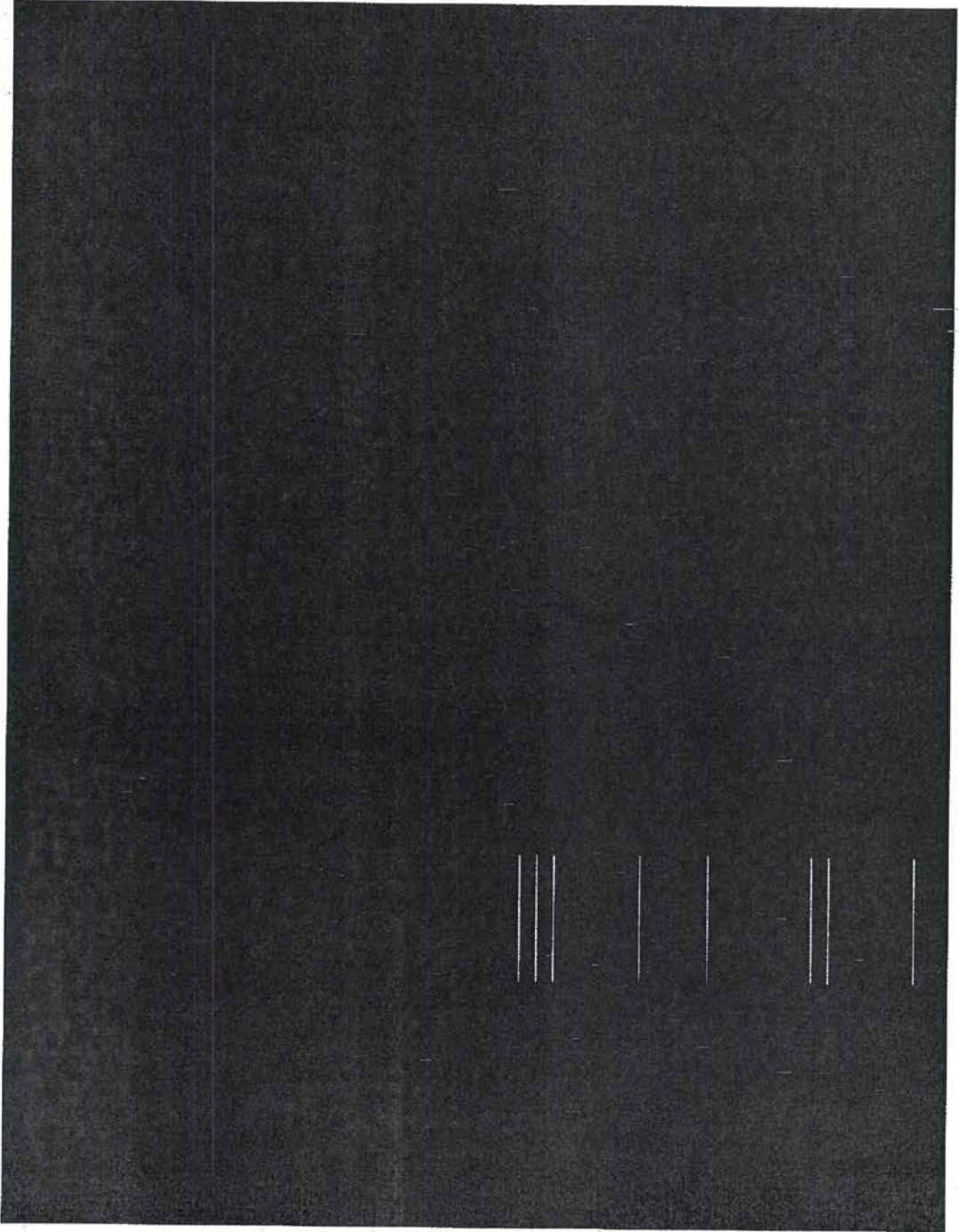




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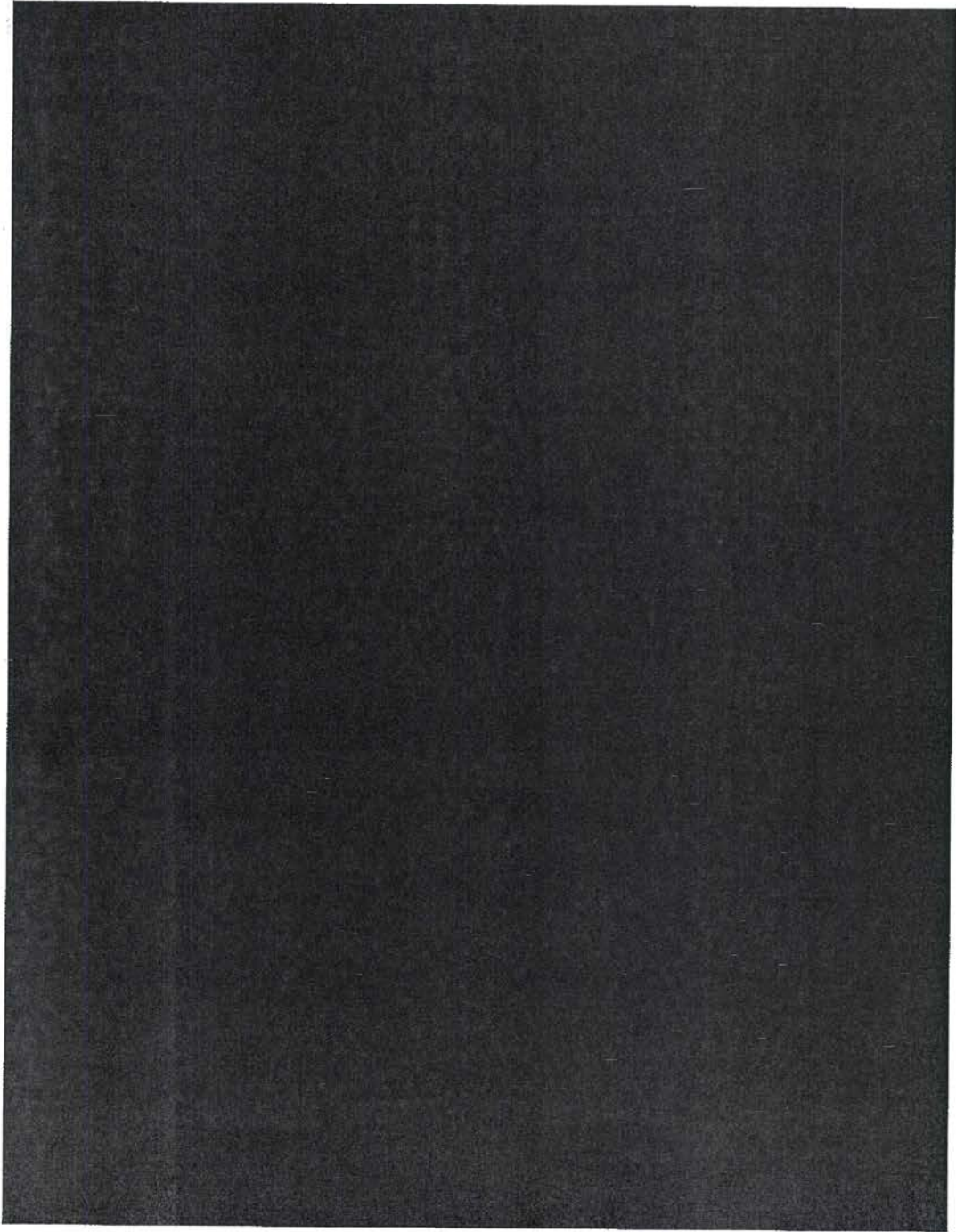


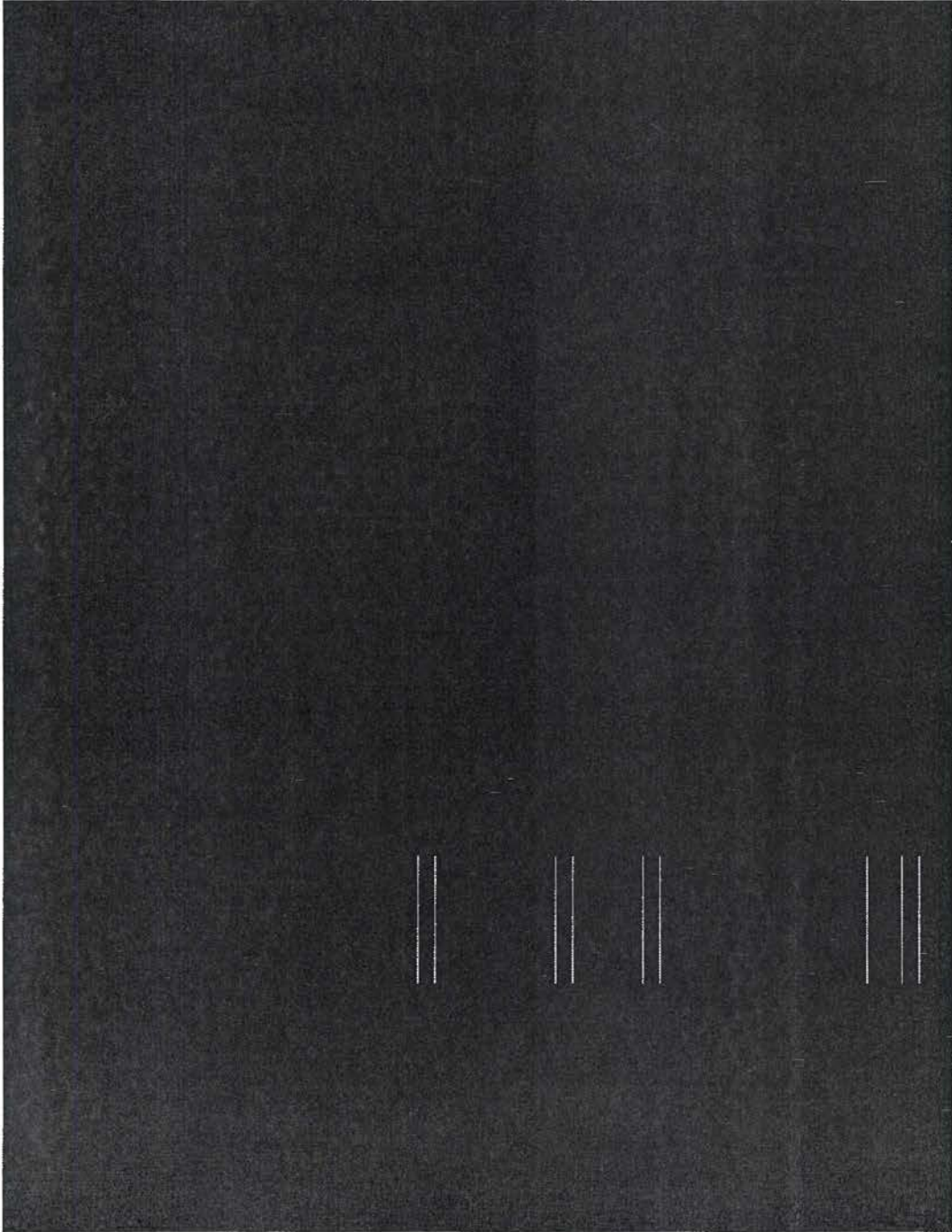




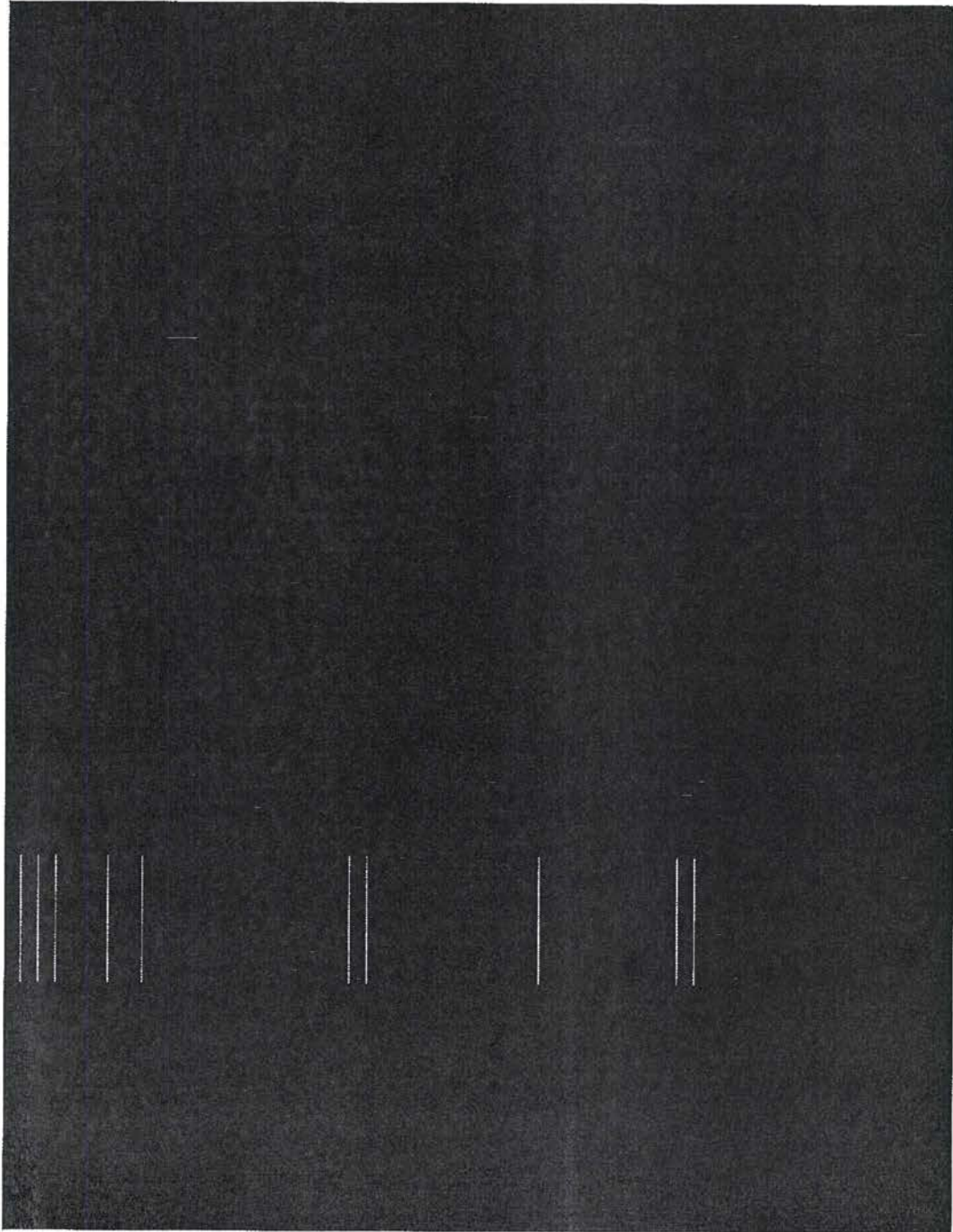

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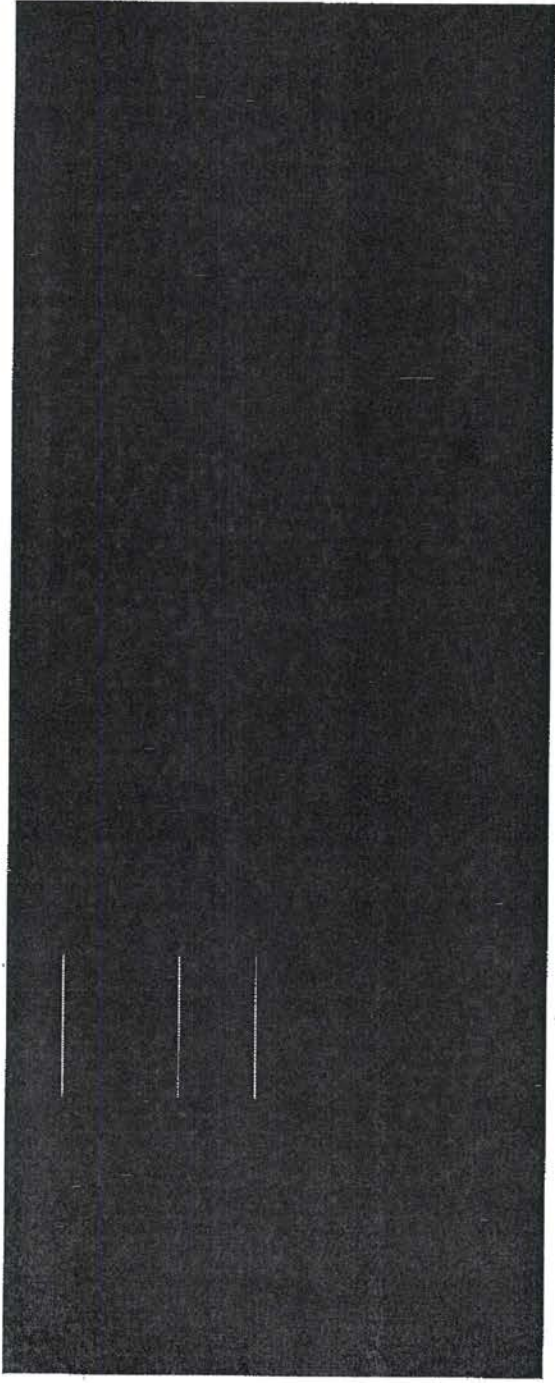








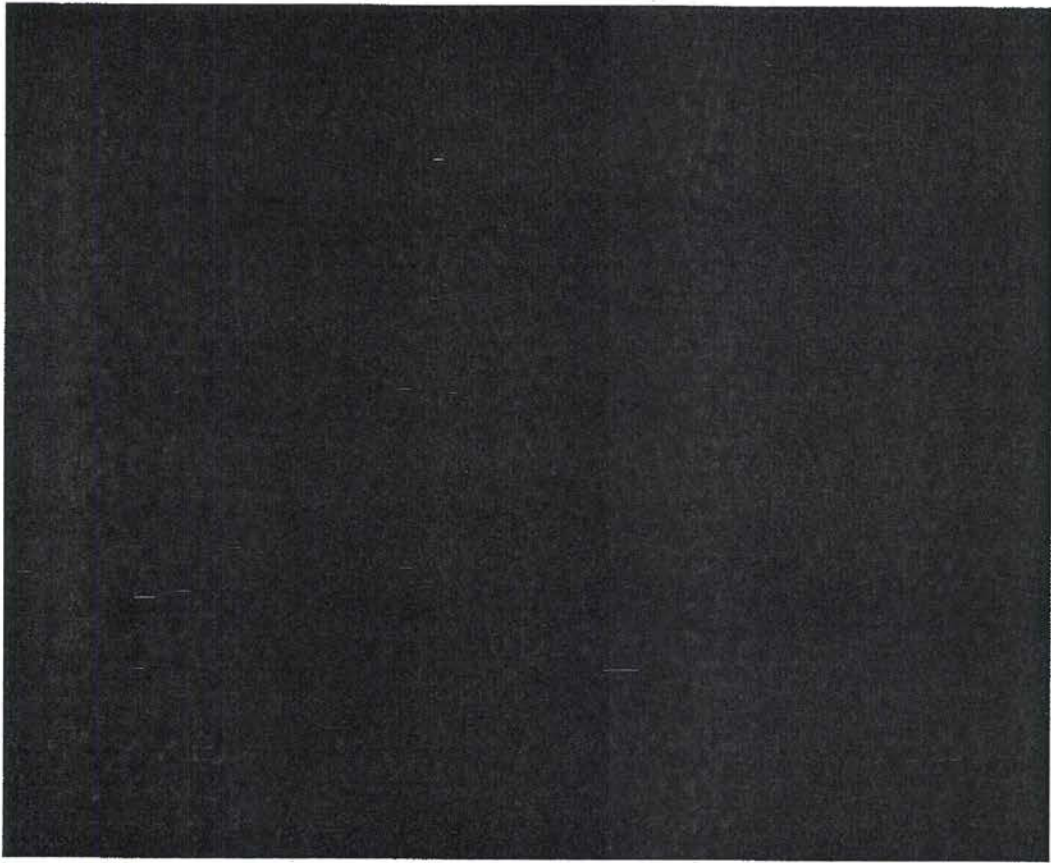




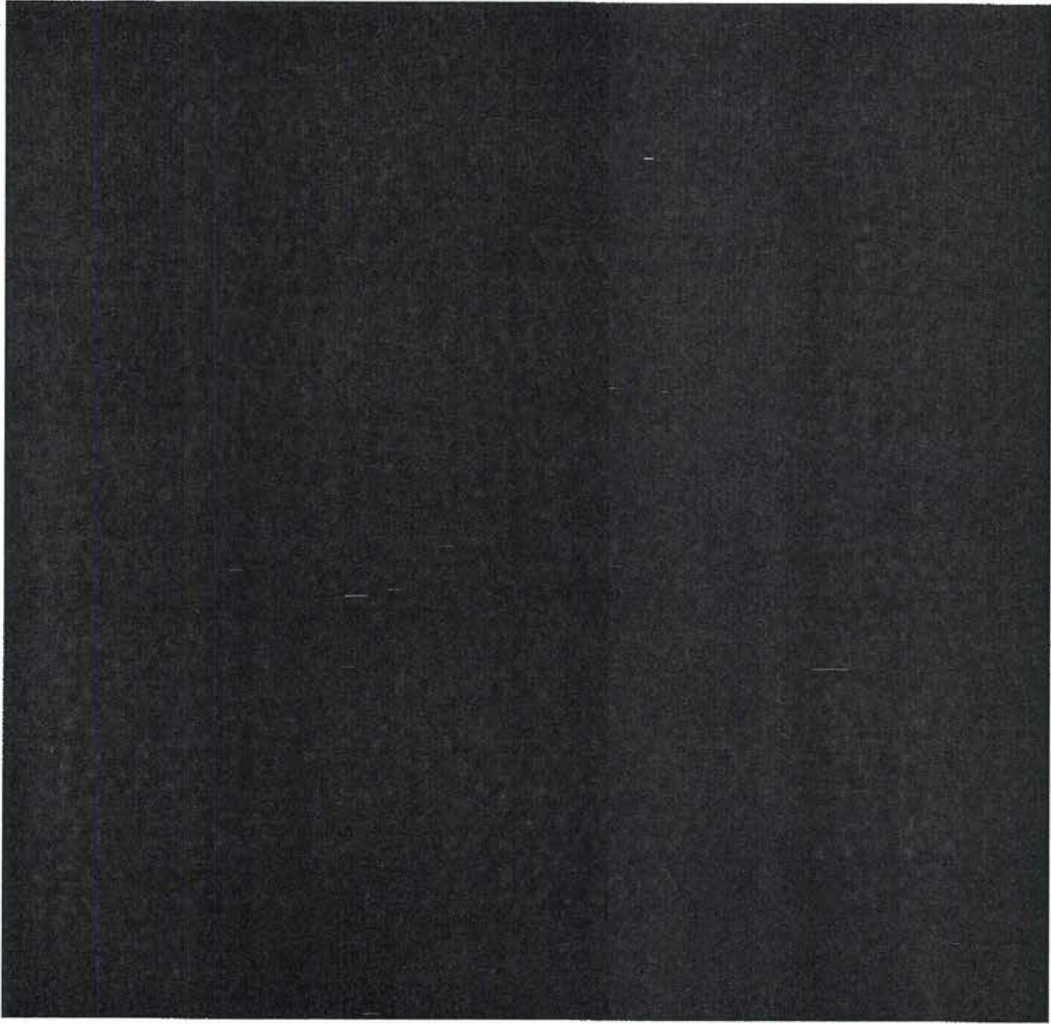
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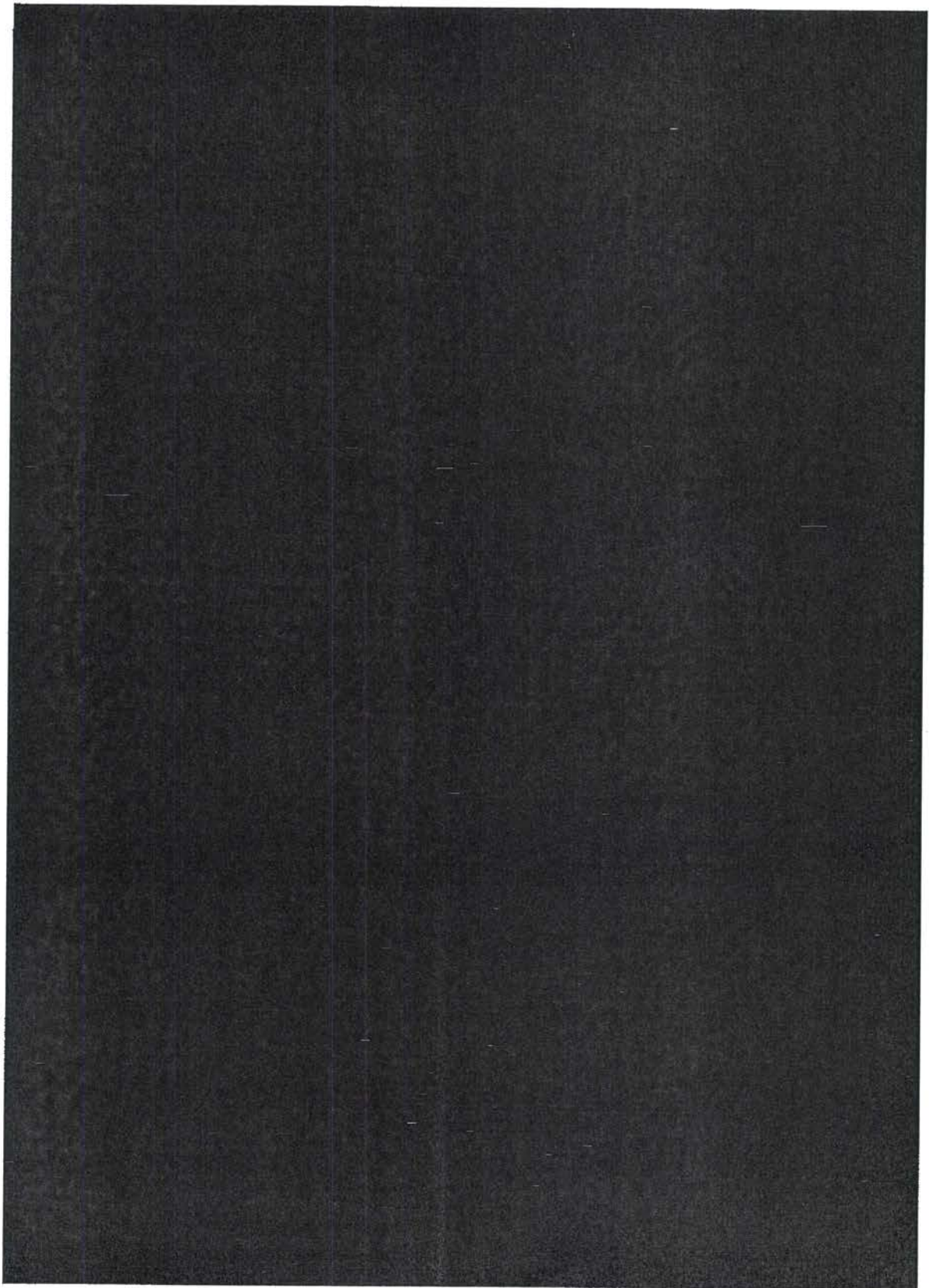
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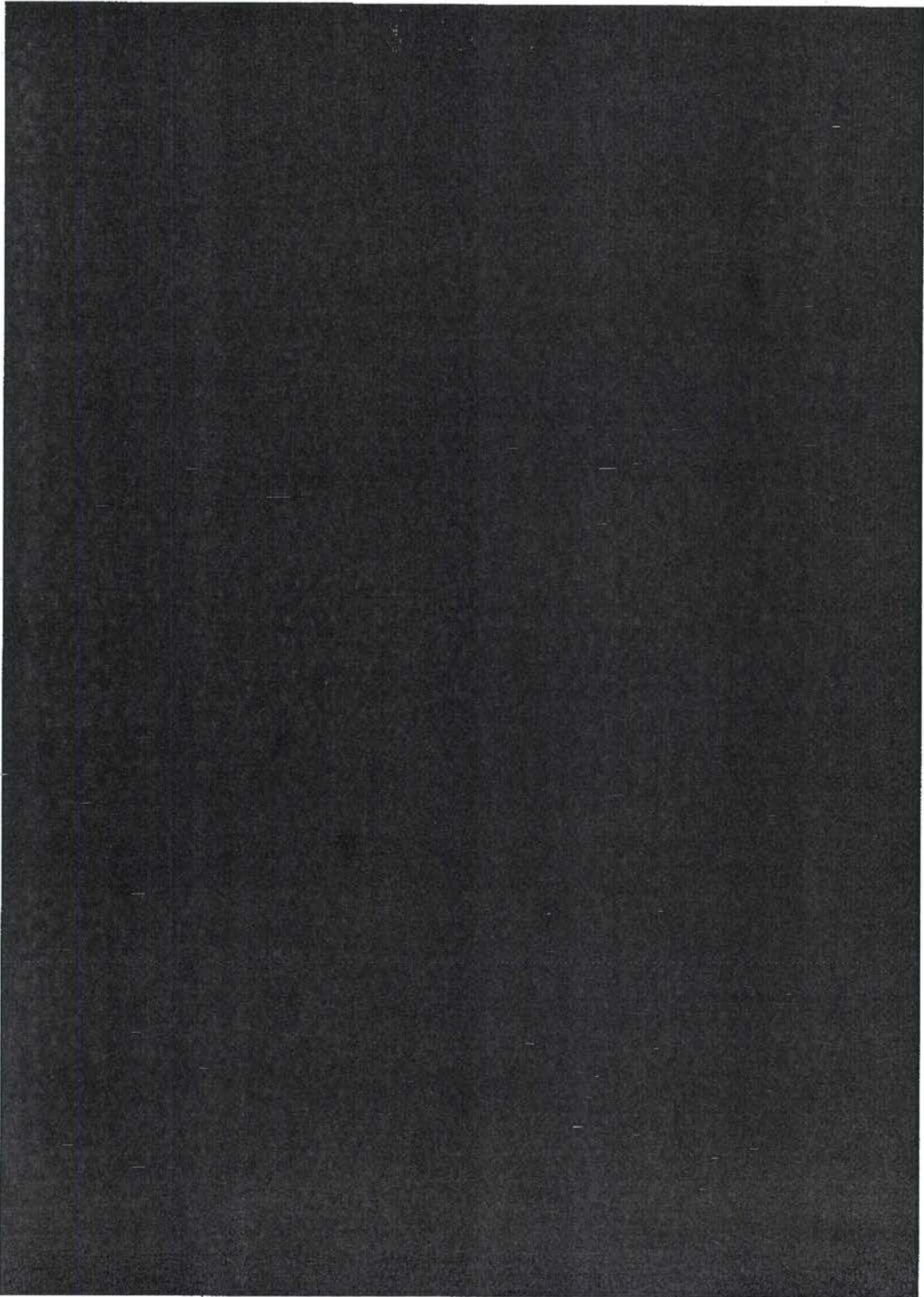


www.industrydocuments.ucsf.edu/docs/87802

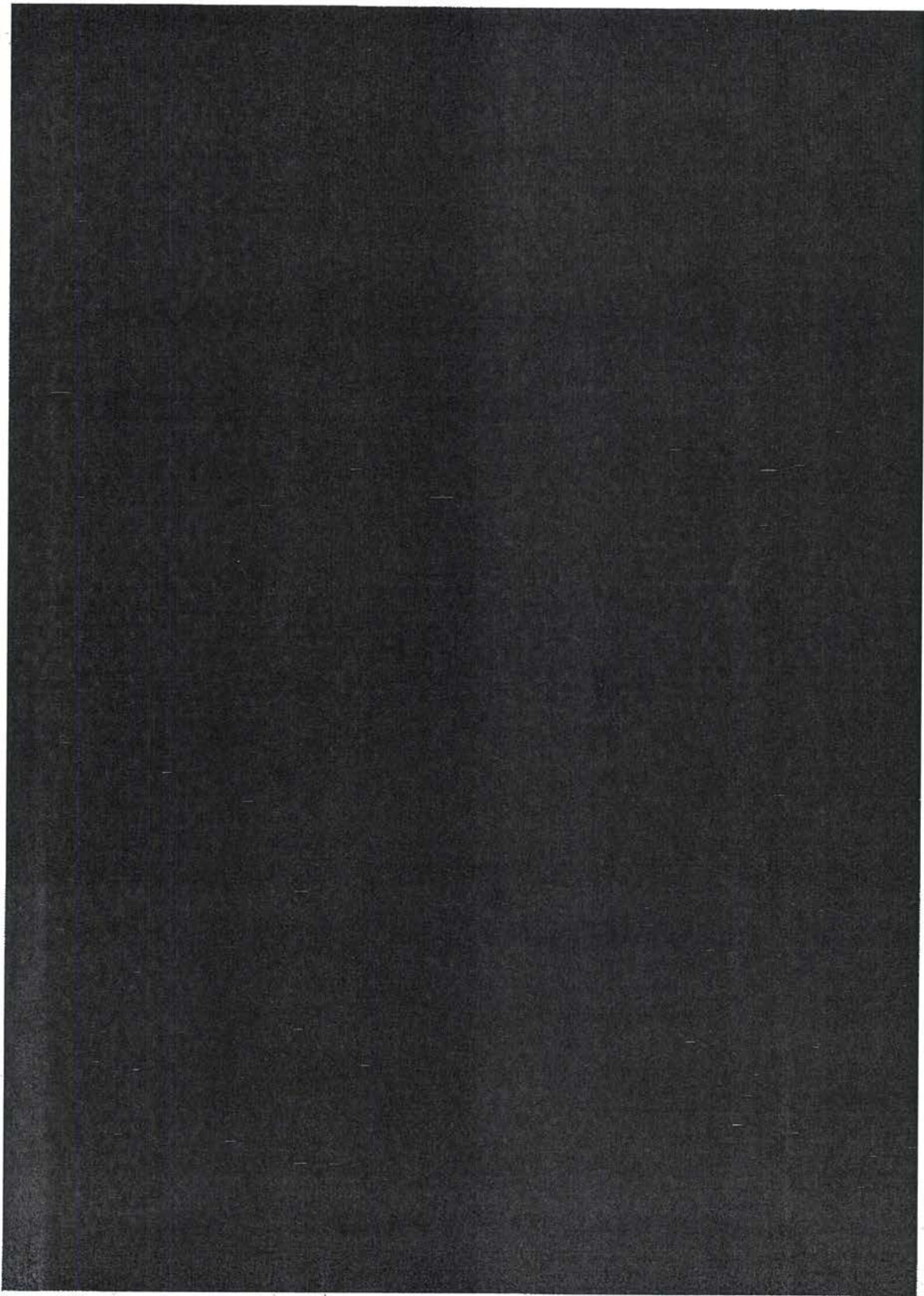


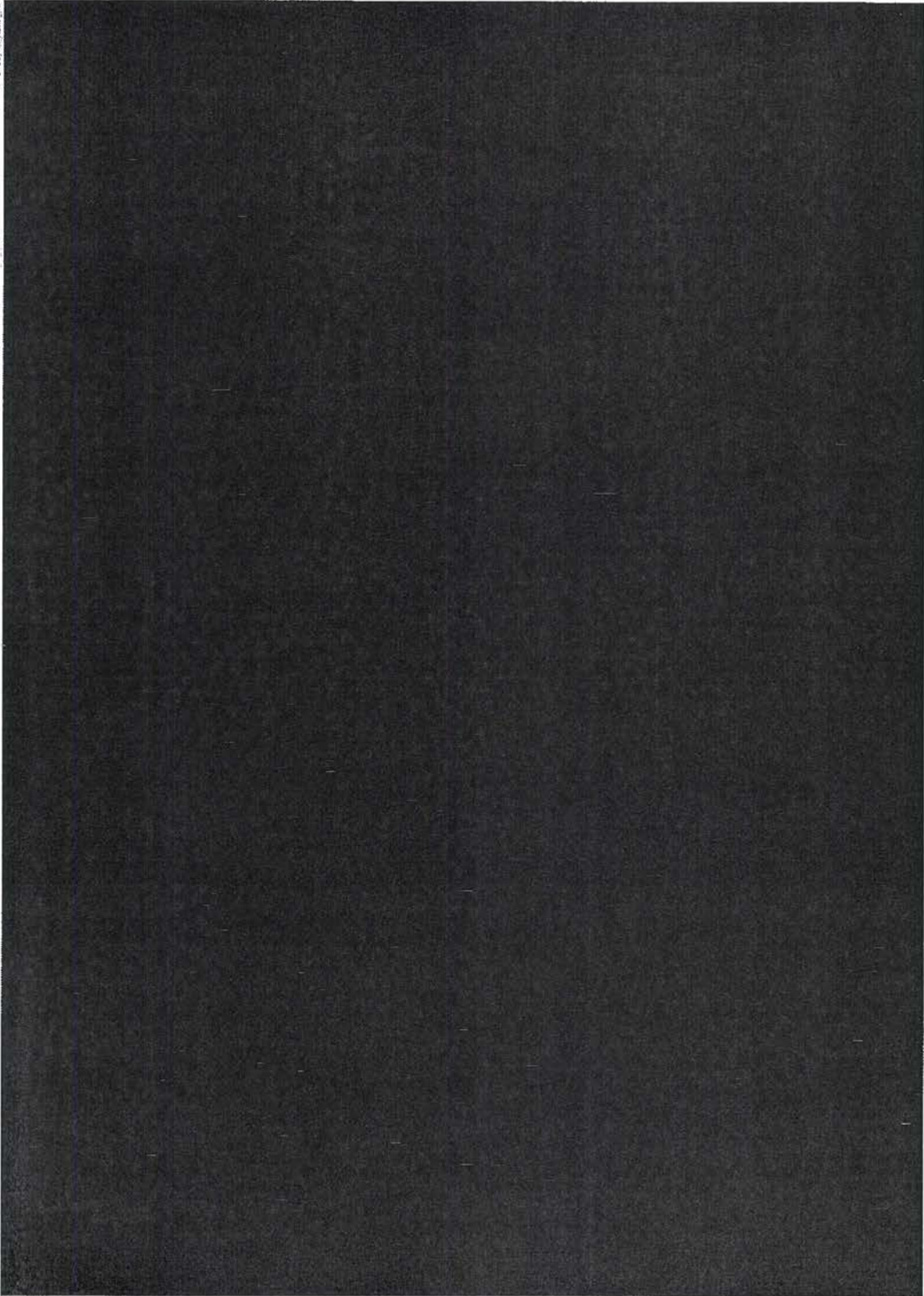








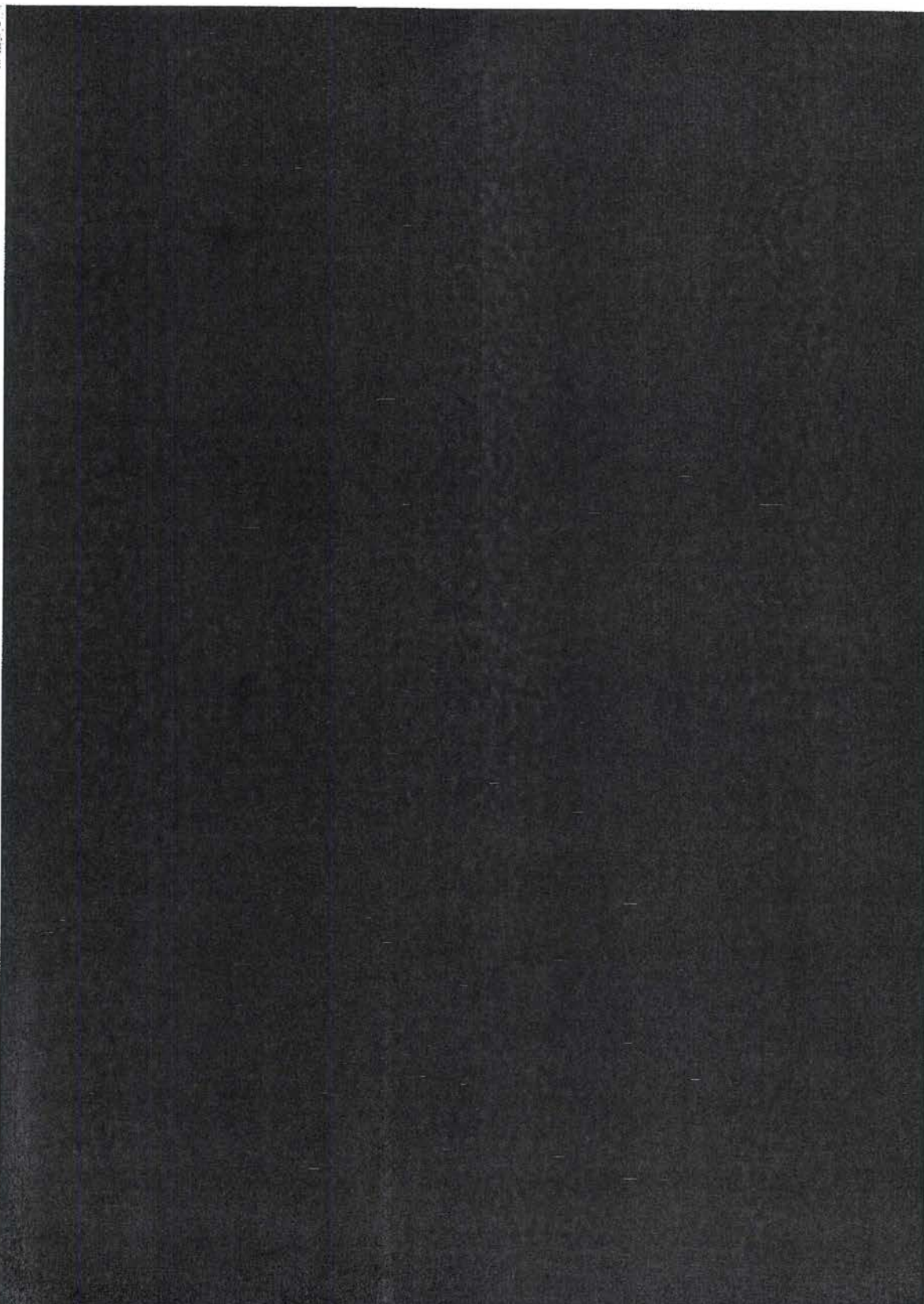




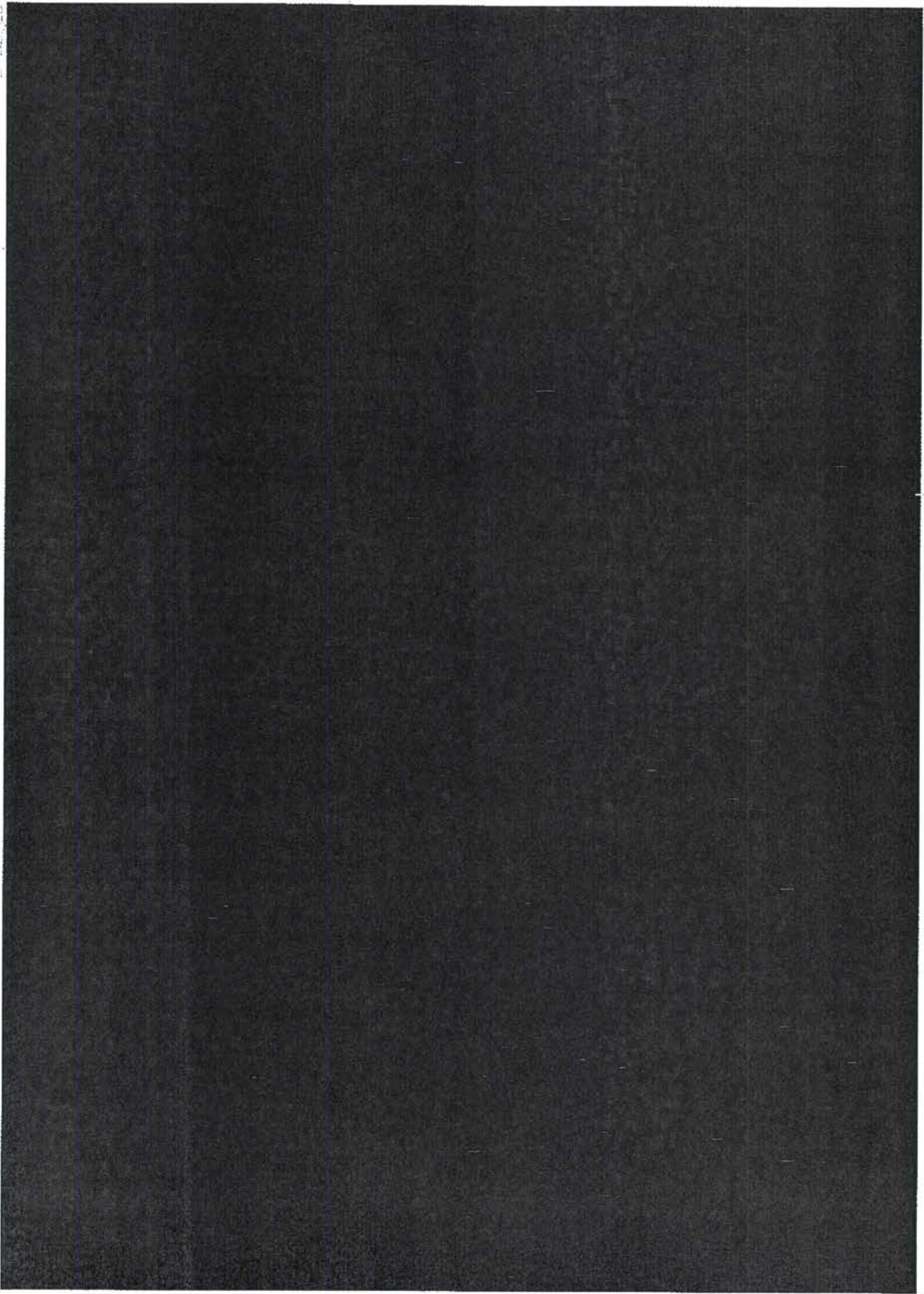


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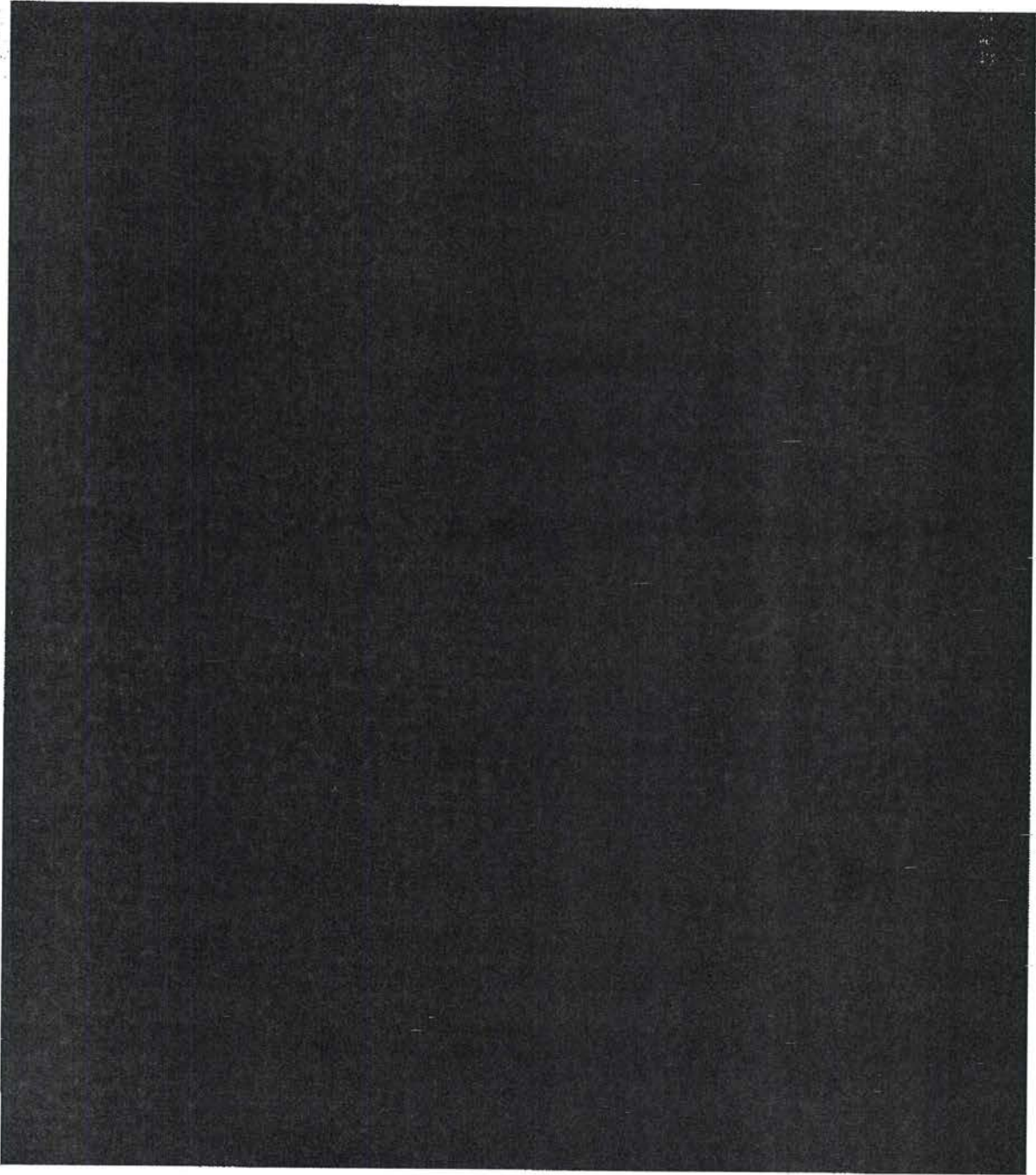


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# **EXHIBIT C**

## **JUSTIFICATION TABLE**



**EXHIBIT C**

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Exhibits  
**DOCKET TITLE:** Evaluation of storm restoration costs for Florida Power & Light Company related to Hurricane Irma.  
**DOCKET NO.:** 20180049-EI  
**DATE:** March 4, 2019

Description	No. of Pages	Conf. Y/N	Line / Column	Florida Statute 366.093(3) Subsection	Declarant
OPC's Response to FPL's 1 <sup>st</sup> Request to Produce Documents attachment – FPL Cost Summary	59	N	Pgs. 1-6		Ray Lozano
		Y	Pg. 7, Lns. 2 -7, 11	(a), (d), (e)	
		Y	Pgs. 8 – 30, ALL	(a), (d), (e)	
		N	31		
		Y	Pgs. 32 – 42, ALL	(a), (d), (e)	
		N	Pgs. 43 - 46		
		Y	Pgs. 46 – 47, ALL	(a), (d), (e)	
		N	Pgs. 48 – 51		
		Y	Pgs. 52 – 58, ALL	(a), (d), (e)	

# **EXHIBIT D**

# **DECLARATION**



**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Evaluation of storm restoration costs for Florida Power & Light Company related to Hurricane Irma.

Docket No: 20180049-EI

STATE OF FLORIDA )  
 )  
COUNTY OF PALM BEACH )

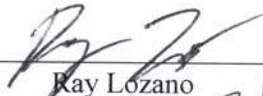
WRITTEN DECLARATION OF RAY LOZANO

1. My name is Ray Lozano. I am currently employed by Florida Power & Light Company ("FPL") as Integrated Supply Chain Business Unit Strategy Manager, and I was similarly employed in that capacity prior to and during the time that Hurricane Irma impacted FPL's service territory. I have personal knowledge of the matters stated in this written declaration.

I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification filed this date, for which I am listed as a declarant on Exhibit C. FPL requests confidential treatment of portions of one attachment (i.e., an excel file) produced by OPC in Response to FPL's First Request for Production of Documents, that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data, trade secrets, and information related to competitive interests, the disclosure of which would impair the competitive business of FPL, its affiliates and its contractors, vendors and suppliers. Specifically, the document contains the names, rates, quantity, information from invoices of our third-party contractors, lodging suppliers, vendors and suppliers, payments to our contractors, vendors and suppliers, all of which was agreed upon exclusively with these contractors, vendors, and suppliers. Disclosure of this information would impair FPL's contractor, vendor, and supplier relationships, and impair or negate the commercial interests and leverage of FPL prior to and during a storm event (in a seller's market) as FPL negotiates contracts and seeks to obtain contractors, vendors and suppliers to provide critical construction, restoration resources necessary to perform storm restoration. Disclosure of this information would also impair or negate the commercial interests of FPL's contractors, vendors and suppliers as they negotiate with others for the services they provide. The disclosure of this information will also impact the efforts of FPL or its affiliates to contract for goods and services on favorable terms in the future, which in turn increases costs to FPL and its customers. To the best of my knowledge, FPL has maintained the confidentiality of this information.

2. 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.

3. 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.

  
\_\_\_\_\_  
Ray Lozano  
Date: 3/11/19