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May 15, 2019

-VIA HAND DELIVERY-

Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

REDACTED

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2019 MAY 15 PM 1:06
COMMISSION CLERK

RE: Docket 20190000-OT (Undocketed filings for 2019)

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information Provided in Response to Staff's First Supplemental Data Request (Nos. 64 and 67). The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. 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.

If there are any questions regarding this transmittal, please contact me at (561)304-5662.

Sincerely,

William P. Cox
Senior Attorney
Fla. Bar No. 00093531

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AFD ___
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ENG 1 Ex B
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IDM ___
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Enclosure

cc: Douglas Wright / Philip Ellis, Division of Engineering

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
2019 Ten Year Site Plan

Docket No. 20190000-OT

Filed: May 15, 2019

**FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF INFORMATION PROVIDED IN RESPONSE TO
STAFF OF THE FLORIDA PUBLIC SERVICE COMMISSION'S
FIRST SUPPLEMENTAL DATA REQUEST (NOS. 64 AND 67)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided in response to the Staff of the Florida Public Service Commission's ("Staff") First Supplemental Data Request (Nos. 64 and 67) ("Confidential Discovery Responses"). In support of its Request, FPL states as follows:

1. On February 1, 2019, Staff served its First Supplemental Data Request (Nos. 1-82) on FPL. FPL's Response to Staff's First Supplemental Data Request (Nos. 64 and 67) contain information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its responses to Staff's First Supplemental Data Request (Nos. 1-82) on May 15, 2019. This request is being filed contemporaneously with the service of the responses to Staff's discovery in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

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

a. Exhibit A consists of a copy of the Confidential Discovery Responses on which all information that FPL asserts is entitled to confidential treatment is highlighted.

b. Exhibit B consists of an edited version of the Confidential Discovery Responses on which all information that FPL asserts is entitled to confidential treatment is redacted.

c. Exhibit C is a table containing a page-and-line 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 declarants who support the requested classification.

d. Exhibit D contains the declaration of Tomey Tuttle in support of this Request.

4. FPL submits that the highlighted information in Exhibit A is proprietary 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, 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 determined 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 the description included in Exhibit C and the declarations included in Exhibit D indicate, the Confidential Discovery Responses provided by FPL contains information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

6. Additionally, certain information relates to the competitive interests of FPL and its vendors, the disclosure of which would impair their competitive interests. 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 supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

William P. Cox, Esq.
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5662
Facsimile: (561) 691-7135

By: 

William P. Cox
Fla. Bar No. 0093531

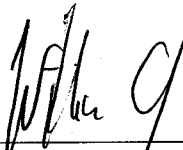
CERTIFICATE OF SERVICE

Docket No. 20190000-OT

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification* has been furnished by electronic service this 15th day of May 2019 to the following:

Doug Wright
Philip Ellis
Division of Engineering
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

By: _____


William P. Cox
Florida Bar No. 0093531

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

EXHIBIT B

REDACTED

QUESTION:

For the U.S. EPA's Coal Combustion Residuals Rule (CCR), both for classification of coal ash as a "Non-Hazardous Waste" and as a "Special Waste."

- a. Will your Company be materially affected by the rule?
- b. What compliance strategy does the Company anticipate employing for the rule?
- c. If the strategy has not been completed, what is the Company's timeline for completing the compliance strategy?
- d. Will there be any regulatory approvals needed for implementing this compliance strategy? How will this affect the timeline?
- e. Does the Company anticipate asking for cost recovery for any expenses related to this rule?

Please complete the following chart regarding CCR-related costs:

If the answer to any of the above questions is not available, please explain why.

Year	Estimated Coal Combustion Residuals Rule (CCR) Impacts (2019 \$ millions)			
	Capital Costs	O&M Costs	Fuel Costs	Total Costs
2019				
2020				
2021				
2022				
2023				
2024				
2025				
2026				
2027				
2028				
Notes				
(Include Notes Here)				

RESPONSE:

- a. EPA published the final Coal Combustion Residuals ("CCR") rule on April 17, 2015. This rule regulates the disposal of combustion byproducts. The WIIN Act passed in 2016 provided for approval of State CCR regulatory programs. USEPA then issued revised regulations in 2018 which extended the deadline to initiate closure of certain CCR units to October 31, 2020. Both St. John's River Power Park ("SJRPP") and Scherer are affected by this rule and now have disposal requirement(s) for bottom ash, fly ash, and gypsum. The Indiantown Cogeneration and Cedar Bay facilities are not affected by the rule as all CCR is transported offsite either to a licensed landfill for disposal or sent for beneficial use. FPL and the co-owners of its coal-fired generating units affected by this rule are conducting the engineering evaluations and inspections and developing operation and closure plans required by the CCR rule.
- b. The Scherer surface impoundment (ash pond) will be closed, and a new ash landfill will be constructed for dry CCR management. Preparation for the closure of the ash pond has been

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53 initiated as the system is converted to dry ash management. Land acquisition and
54 construction of the new dry ash landfill have been initiated.

55 SJRPP CCR is managed in the onsite landfill or applied to a beneficial use. The current
56 landfill will begin closure beginning in late 2019 with the decommissioning of the facility.
57 The landfill closure plan required by the CCR rule was filed by October, 2016.

58 c. The engineering details for closure of Scherer ash pond are being refined and preparation for
59 closure (conversion to dry ash handling, treatment system for non-CCR waste streams, etc.)
60 have begun and closure will take several years to complete. The SJRPP landfill will close as
61 part of the decommissioning of the site. FPL does not anticipate any adverse impacts to
62 operation of its generating units to comply with the CCR rule at this time.

63 d. Construction of the new CCR landfill at Plant Scherer to meet the CCR requirements will
64 require a solid waste permit from the Georgia Environmental Protection Department and is
65 not expected to impact the timeline.

66 e. FPL does anticipate seeking cost recovery for the additional costs attributed to the CCR rule
67 requiring early closure of the Scherer ash pond and construction of a new landfill that is
68 compliant with the new design standard. FPL also anticipates seeking cost recovery for the
69 costs of additional closure and monitoring elements for the SJRPP ash landfill.

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Year	Estimated Coal Combustion Residuals Rule (CCR)			
	Impacts (2018 \$ millions)			
	Capital Costs	O&M Costs	Fuel Costs	Total Costs
2019		*	N/A	
2020		*	N/A	
2021		*	N/A	
2022		*	N/A	
2023		*	N/A	
2024		*	N/A	
2025		*	N/A	
2026		*	N/A	
2027		*	N/A	
2028		*	N/A	
Notes				
*Costs projections are not available for the period.				
Capital costs include closure of existing Scherer ash pond and constructions of a new landfill for CCR management.				

	A	B	C	D	E	F	G	H	I	J
1	Florida Power & Light Company									
2	2019 Ten-Year Site Plan									
3	Staff's Supplemental Data Request # 1									
4	Question No. 67									
5	Attachment No. 1-Redacted									
6	Tab 1 of 1									
7										
8	Estimated Unit Cost of EPA's New and Proposed Rules									
9										
10	Unit	Unit Type	Fuel Type	Net Sum Capacity (MW)	Estimated Cost of New or Proposed EPA Rules Impacts (2019 \$ millions)					
11					MATS	CSAPR/CAIR	CWIS	CCR Non-Hazardous Waste	CCR Special Waste	Total Cost
12										
13										
14	Cape Canaveral 3	CC	NG, ULSD	1210	N/A	0	25.13	N/A	N/A	9.14
15	Fort Myers Gas Turbines 1 & 9	GT	DFO	108	N/A	0	N/A	N/A	N/A	0
16	Fort Myers 2	CC	NG	1524	N/A	0	31.59	N/A	N/A	14.56
17	Fort Myers 3 A-D	GT	NG, ULSD	786	N/A	0	N/A	N/A	N/A	0
18	Dania Beach 7						31.74			
19	Lauderdale 4 ****	CC	NG, DFO	442	N/A	0	N/A	N/A	N/A	6.08
20	Lauderdale 5 ****	CC	NG, DFO	442	N/A	0	N/A	N/A	N/A	6.08
21	Lauderdale Gas Turbines 3 & 5	GT	NG, DFO	69	N/A	0	N/A	N/A	N/A	0
22	Lauderdale 6 A-F	GT	NG, ULSD	1055	N/A	0	N/A	N/A	N/A	0
23	Port Everglades 5	CC	NG, ULSD	1055	N/A	0	25.45	N/A	N/A	8.12
24	Riviera 5	CC	NG, ULSD	1219	N/A	0	3.40	N/A	N/A	7.95
25	Sanford 4	CC	NG	950	N/A	0	0.00	N/A	N/A	0.01
26	Sanford 5	CC	NG, ULSD	950	N/A	0	0.00	N/A	N/A	0.01
27	Turkey Point 3	PWR	NUC	811	N/A	N/A	N/A	N/A	N/A	0
28	Turkey Point 4	PWR	NUC	821	N/A	N/A	N/A	N/A	N/A	0
29	Turkey Point 5	CC	NG, ULSD	1187	N/A	0	N/A	N/A	N/A	0
30	Manatee 1	ST	NG, RFO	809	ESP Installation Completed 2013	800 MW Cycling Project Completed	0.000	N/A	N/A	0.003
31	Manatee 2	ST	NG, RFO	809	ESP Installation Completed 2012	800 MW Cycling Project Completed	0.000	N/A	N/A	0.003
32	Manatee 3	CC	NG	943	N/A	0	0.000	N/A	N/A	0.003
33	Martin 1 ****	ST	NG, RFO	823	ESP Installation Completed 2014; Unit Retired 2018	800 MW Cycling Project Completed; Unit Retired 2018	N/A	N/A	N/A	0
34	Martin 2 ****	ST	NG, RFO	803	ESP Installation Completed 2015; Unit Retired 2018	800 MW Cycling Project Completed; Unit Retired 2018	N/A	N/A	N/A	0
35	Martin 3	CC	NG	487	N/A	0	0.000	N/A	N/A	0.003
36	Martin 4	CC	NG	478	N/A	0	0.000	N/A	N/A	0.003
37	Martin 8	CC	NG, ULSD	1129	N/A	0	0.000	N/A	N/A	0.003
38	Martin SOLAR	ST	SUN	75****	N/A	N/A	0.000	N/A	N/A	0.003
39	St. Lucie 1	PWR	NUC	981	N/A	N/A	0.20	N/A	N/A	6.27
40	St. Lucie 2	PWR	NUC	840**	N/A	N/A	0.20	N/A	N/A	6.27
41	West County Energy Center 1	CC	NG, ULSD	1219	N/A	0	N/A	N/A	N/A	0
42	West County Energy Center 2	CC	NG, ULSD	1219	N/A	0	N/A	N/A	N/A	0
43	West County Energy Center 3	CC	NG, ULSD	1219	N/A	0	N/A	N/A	N/A	0
44	Okeechobee Clean Energy Center 1	CC	NG, ULSD	1600	N/A	N/A	N/A	N/A	N/A	0
45	SJRPP 1 ****	ST	BIT	127**	N/A	N/A	N/A	Estimate Not Available from operator	N/A	Estimate Not Available from operator
46	SJRPP 2 ****	ST	BIT	127**	N/A	N/A	N/A	Estimate Not Available from operator	N/A	Estimate Not Available from operator
47	Scherer 4	ST	SUB	634**	Hg Control Installed 2010, FGD Installation 2012	SCR & FGD Installed 2012				
48	Indiantown Cogeneration	ST	BIT	330	0	N/A	N/A	N/A	N/A	N/A
49	Space Coast Solar Energy	PV	SUN	10	N/A	N/A	N/A	N/A	N/A	None
50	Desoto Solar Energy	PV	SUN	25	N/A	N/A	N/A	N/A	N/A	None
51	Manatee Solar Energy	PV	SUN	74.5	N/A	N/A	N/A	N/A	N/A	None
52	Babcock Ranch Solar Energy	PV	SUN	74.5	N/A	N/A	N/A	N/A	N/A	None
53	Citrus Solar Energy	PV	SUN	74.5	N/A	N/A	N/A	N/A	N/A	None
54	Barefoot Bav Solar Energy	PV	SUN	74.5	N/A	N/A	N/A	N/A	N/A	None
55	Coral Farms Solar Energy	PV	SUN	74.5	N/A	N/A	N/A	N/A	N/A	None
56	Hammock Solar Energy	PV	SUN	74.5	N/A	N/A	N/A	N/A	N/A	None
57	Horizon Solar Energy	PV	SUN	74.5	N/A	N/A	N/A	N/A	N/A	None
58	Indian River Solar Energy	PV	SUN	74.5	N/A	N/A	N/A	N/A	N/A	None
59	Loggerhead Solar Energy	PV	SUN	74.5	N/A	N/A	N/A	N/A	N/A	None
60	Wildflower Solar Energy	PV	SUN	74.5	N/A	N/A	N/A	N/A	N/A	None
61	Blue Cypress Solar Energy	PV	SUN	74.5	N/A	N/A	N/A	N/A	N/A	None
62	Sunshine Gateway Solar Energy	PV	SUN	74.5	N/A	N/A	N/A	N/A	N/A	None
63	Notes									
64										
65	Unit Type: ST = Steam Turbine, GT = Gas Turbine, CC = Combined Cycle, PV = Photovoltaic									
66	Fuel Type: NG = Natural Gas, DFO = Distillate Fuel Oil, RFO = Residual Fuel Oil, ULSD = Ultra-Low Sulfur Distillate, BIT = Bituminous Coal,									
67	SUB = Sub-Bituminous Coal, SUN = Solar (PV & thermal), NUC = Nuclear									
68	Notes: * Total includes anticipated total project capital expenses for installation									
69	** FPL Ownership Share only									
70	*** Unit capability also included in Martin Unit 8 Net Summer Capability									
71	**** SJRPP Units 1 & 2 were retired January 2018, and Martin Units 1 & 2 and Lauderdale Units 4 & 5 were retired Dec. 2018.									

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO: 190000-EI
DOCKET TITLE: 2019 Ten-Year Site Plan
DATE: May 15, 2019

Set	Data Request	Conf. Y/N	Line/Column	Florida Statute 366.093(3) Subsection	Declarant	
Staff's First Data Request	64	N	Lines 1 - 73	N/A	N/A	
		Y	Lines 74 – 83, Columns B & C	(d), (e)	Tomey Tuttle	
		N	Lines 84 - 87	N/A	N/A	
	67 (Attachment No. 1)	Y	N	Lines 1 – 46	N/A	N/A
			Y	Line 47, Columns G – J	(d), (e)	Tomey Tuttle
			N	Lines 48-71	N/A	N/A

EXHIBIT D

DECLARATIONS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light's 2019-2028 Ten-Year Site Plan.

Docket No: 20190000-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH) **WRITTEN DECLARATION OF**
) **TOMEY TUTTLE**

1. My name is Tomey Tuttle. I am currently employed by Florida Power & Light Company ("FPL") as Manager in Environmental Services. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Request for Confidential Classification for which I am identified as a declarant. The documents or materials that I have reviewed and which are asserted by FPL to contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of the FPL or its affiliates to contract for goods and services on favorable terms (SECTION 366.093(3)(D), F.S.). The information also relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information (SECTION 366.093(3)(E), F.S.). Specifically, the documents contain information related to FPL's contract with a particular vendor. Release of this information would put FPL at a competitive disadvantage because it would negatively impact our ability to negotiate with vendors in the future, to the detriment of customers. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a 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.



Tomey Tuttle

Date: May 1, 2019