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October 15, 2020

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

REDACTED

**Re: Docket No. 20200172-EI
Florida Power & Light Company's Request for Confidential Classification of
Information Provided in Response to Office of Public Counsel's First Request
for Productions of Documents.**

Dear Mr. Teitzman:

I enclose for filing in the above referenced docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information Provided in Response to the Office of Public Counsel's First Request for Production of Documents (Nos. 1, 4, 9, 16-17, 24, and 31). The enclosed filing includes Exhibits A, B, C and D.

The enclosed filing includes Exhibits A, B, C, and D. Exhibit A consists of the confidential documents, all of which are provided on discs, and FPL asserts that all the information contained therein is entitled to confidential treatment. Exhibit B is an edited version of Exhibit A, consisting of an identifying cover page. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains declarations in support of FPL's filing.

Please contact me if you or your Staff has any questions regarding this filing at (561) 691-7255 or joel.baker@fpl.com.

Sincerely,

s/Joel T. Baker
Joel T. Baker
Florida Bar No. 108202

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COMMISSION
CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20200172-EI

Date: October 15, 2020

**FLORIDA POWER & LIGHT COMPANY'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
PROVIDED IN RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1, 4, 9, 16-17, 24, & 31)**

Pursuant to Section 366.093, Florida Statutes ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code ("Rule 25-22.006"), Florida Power & Light Company ("FPL") hereby files its Request for Confidential Classification ("RFCC") and requests confidential treatment of certain documents provided in response to the Office of Public Counsel's ("OPC") First Request for Production of Documents, Nos. 1, 4, 9, 16-17, 24, and 31 (collectively, "Confidential Documents"). In support of this request, FPL states as follows:

1. FPL served its responses to OPC's First Request for Production of Documents (including the Confidential Documents) on October 15, 2020. This request is being filed contemporaneously with service of those responses in order to request confidential classification of certain information contained in its responses to OPC's First Request for Production of Documents, Nos. 1, 4, 9, 16-17, 24, and 31, consistent with Rule 25-22.006.

2. The following exhibits are attached to and made a part of this request:

- a. Exhibit A consists of a copy of the Confidential Documents, provided in electronic format on CDs, wherein all of the information contained is entitled to confidential treatment. Because the confidential materials are being provided in electronic format and are voluminous, and therefore

cannot be readily highlighted, FPL has not highlighted the entirety of the information contained on the CDs.

- b. Exhibit B consists of summary page that identifies the Bates numbered pages associated with the Confidential Documents, which are entitled to confidential treatment in their entirety.
- c. Exhibit C is a table that identifies the information highlighted in Exhibit A and references the specific statutory bases for the claim of confidentiality and identifies the Declarant who supports the requested classification.
- d. Exhibit D consists of the declarations of Crystal Pena-Herrera, Sharon Diaram, Clare Gerard, and Jorge Gutierrez in support of this Request.

3. FPL submits that the highlighted information in Exhibit A is proprietary and confidential business information, 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.

4. As described in the declarations in Exhibit D, the confidential business information includes: information relating to bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms. This information is protected by Section 366.093(3)(d), Florida Statutes. The confidential business information further includes: information relating to competitive interests, the disclosure

of which would impair the competitive business of the provider of the information. This information is protected by Section 366.093(3)(e), Florida Statutes.

5. Upon a finding by the Commission that the Confidential Documents are proprietary and confidential business information, the information should not be declassified for at least 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.

6. **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. Additionally, FPL respectfully requests that the Commission, the Office of Public Counsel, and any other party subject to the public records law treat the materials as confidential pending a formal ruling by the Commission or the return of the materials, consistent with Section 366.093(2).

Respectfully submitted this 15th day of October 2020.

Joel Baker
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
Phone: 561-691-7255
Fax: 561-691-7135
Email: joel.baker@fpl.com

By: s/Joel T. Baker
Joel T. Baker
Florida Bar No. 10820

CERTIFICATE OF SERVICE
Docket No. 20200172-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic mail this 15th day of October 2020 to the following:

Public Service Commission
Office of General Counsel
Jennifer Crawford
Shaw Stiller
Suzanne Brownless
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
jcrawfor@psc.state.fl.us
sstiller@psc.state.fl.us
sbrownle@psc.state.fl.us

J.R. Kelly/Thomas A. (Tad) David
Office of Public Counsel
111 W. Madison Street, Room 812
Tallahassee, Florida 32399
Kelly.jr@leg.state.fl.us
David.tad@leg.state.fl.us

s/ Joel T. Baker

Joel T. Baker

EXHIBIT A
CONFIDENTIAL
DOCUMENTS
ENCLOSED ON DISK

EXHIBIT B
REDACTED

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 20200172-EI
DOCKET TITLE: Evaluation of storm costs for Florida Power & Light Company related to Hurricane Dorian
SUBJECT: FPL's Responses to OPC's First Request for Production of Documents, Nos. 1, 4, 9, 16-17 and 24
DATE: October 15, 2020

Set	Bates Number Start	Bates Number End	Description	Line No. / Col. No.	Florida Statute 3.66.093(3) Subsection	Declarant
OPC's 1st Request for Production of Documents No. 1	[000007]	[000007]	Internal Order Letter	All	(d) (e)	Crystal Pena-Herrera
OPC's 1st Request for Production of Documents No. 1	[000008]	[000011]	Storm Compensation Policy	All	(d) (e)	Crystal Pena-Herrera
OPC's 1st Request for Production of Documents No. 1	[000012]	[000016]	Accounting for Uninsured Losses	All	(d) (e)	Crystal Pena-Herrera
OPC's 1st Request for Production of Documents No. 1	[000017]	[000024]	SOX Narratives	All	(d) (e)	Crystal Pena-Herrera
OPC's 1st Request for Production of Documents No. 4	[000065]	[000068]	Bid Letter Vegetation Management	All	(d) (e)	Sharon Diaram
OPC's 1st Request for Production of Documents No. 4	[000064]	[000064]	Emergency Procurement Policy	All	(d) (e)	Sharon Diaram
OPC's 1st Request for Production of Documents No. 4	[000059]	[000063]	Bid Letter OH Restoration	All	(d) (e)	Sharon Diaram
OPC's 1st Request for Production of Documents No. 9	[000322]	[017362]	Contracts	All	(d) (e)	Sharon Diaram
OPC's 1st Request for Production of Documents No. 9	[017363]	[020456]	Purchase Orders	All	(d) (e)	Sharon Diaram
OPC's 1st Request for Production of Documents No. 9	[020457]	[020886]	Standard Documents	All	(d) (e)	Sharon Diaram
OPC's 1st Request for Production of Documents No. 9	[020877]	[020888]	Standard Documents – Excel Files	All	(d) (e)	Sharon Diaram

OPC's 1st Request for Production of Documents No. 16	[020889]	[020933]	Expense Reports	All	(d) (e)	Jorge Gutierrez
OPC's 1st Request for Production of Documents No. 17	[021622]	[024891]	Expense Report Receipts	All	(d) (e)	Jorge Gutierrez
OPC's 1st Request for Production of Documents No. 24	[024946]	[024959]	Statement of Work Distribution	All	(d) (e)	Sharon Diaram
OPC's 1st Request for Production of Documents No. 24	[024960]	[024973]	Statement of Work Overhead	All	(d) (e)	Sharon Diaram
OPC's 1st Request for Production of Documents No. 24	[024974]	[025009]	Vegetation Management Restoration Handbook	All	(d) (e)	Sharon Diaram
OPC's 1st Request for Production of Documents No. 31	[025028]	[025030]	Invoice Review Checklist - Expenses	All	(e)	Clare Gerard
OPC's 1st Request for Production of Documents No. 31	[025031]	[025038]	Invoice Review Checklist - Labor	All	(e)	Clare Gerard
OPC's 1st Request for Production of Documents No. 31	[025039]	[025047]	Invoice Review Checklist – Vegetation Labor	All	(e)	Clare Gerard


EXHIBIT D

DECLARATIONS

DECLARATION

I sponsored the answers to Interrogatory Nos. 4-5, 24-25 and co-sponsored Nos. 27, 30 and 36 from OPC's First Set of Interrogatories to Florida Power & Light in Docket No. 20200172-EI, and the responses are true and correct based on my personal knowledge.

Under penalties of perjury, I declare that I have read the foregoing declaration and the interrogatory answers identified above, and that the facts stated therein are true.



Clare Gerard

Date: 10-14-2020

CERTIFICATE OF DOCUMENT SEARCH (CODS)

FLORIDA POWER AND LIGHT COMPANY'S PETITION FOR EVALUATION OF
HURRICAN DORIAN COSTS.
Docket No. 20200172-EI

In response to OPC's First Request for Production of Documents Nos. 13-14, 18, 23, and 31 the undersigned business unit regulatory contact, as the designee of the business unit head, hereby certifies that the Business Unit:

- Has produced all responsive documents, or
- Has no responsive documents.

I further certify that I have responded this request based upon:

- Conducting a search of all files in the Business Unit likely to contain responsive documents including, but not limited to, the files in individual offices and in record storage, or
- Personal knowledge of the non-existence of any responsive records.

Business Unit: Florida Power and Light Company

By: (signature) Clare Gerard 10-14-2020

Print Name: Clare Gerard

Title: Senior Director of Business Services, Florida Power and Light Company

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20200172-EI

STATE OF FLORIDA

)

COUNTY OF PALM BEACH

)

WRITTEN DECLARATION OF CRYSTAL PENAHERRERA

1. My name is Crystal Penaherrera. I am currently employed by Florida Power & Light Company ("FPL") as a Principal Accountant, Finance. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute 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. Additionally, the documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. 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 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.

Crystal Penaherrera

Crystal Penaherrera

Date: October 15, 2020

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20200172-EI

STATE OF FLORIDA

)

COUNTY OF PALM BEACH

)

WRITTEN DECLARATION OF SHARON DIARAM

1. My name is Sharon Diaram. I am currently employed by Florida Power & Light Company ("FPL") as a Sourcing Manager, Compliance. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A FPL's Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute 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. Additionally, the documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. 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 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.



Digitally signed by Sharon
Diaram
Date: 2020.10.14 11:40:40 -04'00'

Sharon Diaram

Date: October 14, 2020

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No20200172-EI

STATE OF FLORIDA)

COUNTY OF PALM BEACH)

WRITTEN DECLARATION OF JORGE GUTIERREZ

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

2. I have reviewed the documents and information included in Exhibit A FPL's Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute 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. Additionally, the documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. 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 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.

Jorge Gutierrez

Date: October 15, 2020

