

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause

Docket No. 20210007-EI

Filed: October 26, 2021

**FLORIDA POWER & LIGHT COMPANY'S SECOND REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 2016-028-4-1**

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 its Second Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 2016-028-4-1 ("Confidential Information"). In support of this request, FPL states as follows:

1. On July 19, 2016, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D ("July 19, 2016 Request"). By Order No. PSC-16-0461-CFO-EI, dated October 14, 2016 ("Order 0461"), the Commission granted FPL's July 19, 2016 Request. FPL adopts and incorporates by reference the July 19, 2016 Request and Order 0461.

2. On April 16, 2018 FPL filed its First Request for Extension of Confidential Classification of the Confidential Information, which all of the information designated in Exhibits A, B and C to FPL's July 19, 2016 Request remained confidential and included First Revised Exhibit D. By Order No. PSC-2018-0523-CFO-EI, dated November 2, 2018 ("Order 0523"), the Commission granted FPL's April 16, 2018 Request. FPL adopts and incorporates by reference the April 16, 2018 Request and Order 0523.

3. The period of confidential treatment granted by Order 0523 will soon expire. The Confidential Information that was the subject of FPL's April 16, 2018 First Request and Order

0523 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3).

4. FPL hereby submits its Second Request for Extension of Confidential Classification. All of the information designated in Exhibits A, B and C to FPL's April 16, 2018 First Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached herein.

5. The declaration of Antonio Maceo in support of this request is included as Second Revised Exhibit D.

6. 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.

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

8. Nothing has changed since the Commission entered Order 0523 to render the Confidential Information identified in First Revised Exhibit C stale or public, such that continued confidential treatment would not be appropriate.

9. Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted remains protected from disclosure 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 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 included with or incorporated in this Request, Florida Power & Light Company respectfully requests that its Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

By: s/ David M. Lee
Maria Jose Moncada
Senior Attorney
maria.moncada@fpl.com
Fla. Bar No. 0773301
David M. Lee
Senior Attorney
david.lee@fpl.com
Fla. Bar No. 103152
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 304-5795
Facsimile: (561) 691-7135

CERTIFICATE OF SERVICE
Docket No. 20210007-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished
by electronic service on this 26th day of October 2021 to the following:

Charles Murphy
Jacob Imig
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
cmurphy@psc.state.fl.us
jimig@psc.state.fl.us

Russell A. Badders
Vice President & General Counsel
One Energy Place, Bin 100
Pensacola, FL 32520-0100
russell.badders@nexteraenergy.com
Attorney for Gulf Power Company

Paula Brown
Tampa Electric Company
P.O. Box 111
Tampa, FL 33601-0111
(813) 228-1444
(813) 228-1770
regdept@tecoenergy.com

James D. Beasley, Esq.
J. Jeffrey Wahlen, Esq.
M. Means, Esq.
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302
jbeasley@ausley.com
jwahlen@ausley.com
mmeans@ausley.com
Attorneys for Tampa Electric Company

Richard Gentry
Patricia A. Christensen
Charles J. Rehwinkel
Stephanie Morse
Anastacia Pirrello
David Tad
Mary Wessling
Steven Baird
Office of Public Counsel
c/o The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400
gentry.richard@leg.state.fl.us
christensen.patty@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
morse.stephanie@leg.state.fl.us
pirrello.anastacia@leg.state.fl.us
david.tad@leg.state.fl.us
wessling.mary@leg.state.fl.us
barid.steven@leg.state.fl.us

Dianne M. Triplett
299 First Avenue North
St. Petersburg, FL 33701
Dianne.triplett@duke-energy.com

Matthew R. Bernier, Esq.
106 East College Avenue, Suite 800
Tallahassee, FL 32301
Matthew.bernier@duke-energy.com
Attorneys for Duke Energy Florida

Jon C. Moyle, Jr.
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
mqalls@moylelaw.com
**Attorneys for Florida Industrial Power
Group**

James W. Brew
Laura Wynn Baker
Stone Mattheis Xenopoulos & Brew, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007
jbrew@smxblaw.com
lwb@smxblaw.com
**Attorneys for PCS Phosphate-White
Springs**

Peter J. Mattheis
Michael K. Lavanga
1025 Thomas Jefferson Street, NW
Suite 800 West
Washington, DC 20007-5201
mkl@smxblaw.com
pjm@smxblaw.com
Attorneys for Nucor Steel Florida, Inc.

By: s/ David M. Lee
David M. Lee
Florida Bar No. 103152

SECOND REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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DECLARATION OF ANTONIO MACEO

1. My name is Antonio Maceo. I am currently employed by Florida Power & Light Company ("FPL") as Senior Manager, Internal Auditing. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents referenced in FPL's Second Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 16-028-4-1 for which I am designated as the declarant. The documents or materials that I have reviewed and which, in whole or in part, are asserted by FPL to be proprietary confidential business information, contain or constitute internal auditing controls, reports or notes of internal auditors, or information relating to internal auditing reports issued in 2015. Full and frank disclosure of information to the Internal Auditing department is essential for the department to fulfill its role, and the confidential status of internal auditing scope, process, findings, and reports supports such disclosure. The release of information related to reports of internal auditors would be harmful to FPL and its customers because it may affect the effectiveness of the Internal Auditing department itself. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. Nothing has occurred since the issuance of Order No. PSC-2018-0523-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of not less than 36 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.



ANTONIO MACEO

Date: _____

10/22/21