

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20210001-EI

Date: December 9, 2021

**FLORIDA POWER & LIGHT COMPANY'S THIRD REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 2015-023-4-1**

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 Third Request for Extension of Confidential Classification of Information Provided Pursuant to Audit No. 2015-023-4-1 ("Confidential Information"). In support of this request, FPL states as follows:

1. On June 3, 2015, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D ("June 3, 2015 Request"). By Order No. PSC-15-0371-CFO-EI, dated September 10, 2015 ("Order 0371"), the Commission granted FPL's June 3, 2015 Request. FPL adopts and incorporates by reference the June 3, 2015 Request and Order 0371.

2. On February 17, 2017, 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 17, 2017 Request"). By Order No. PSC-2017-0121-CFO-EG, dated April 4, 2017 ("Order 0121"), the Commission granted FPL's February 17, 2017 Request. FPL adopts and incorporates by reference the February 17, 2017 Request and Order 0121.

3. On October 4, 2018, FPL filed its Second Request for Extension of Confidential Classification of the Confidential Information, which included 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 and Second Revised Exhibit D ("October 4, 2018

Request”). By Order No. PSC-2018-0602-CFO-EG, dated December 21, 2018 (“Order 0602”), the Commission granted FPL’s October 4, 2018 Request. FPL adopts and incorporates by reference the October 4, 2018 Request and Order 0602.

4. The period of confidential treatment granted by Order 0602 will soon expire. The Confidential Information that was the subject of FPL’s October 4, 2018 Second Request and Order 0602 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3).

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

6. Also included as Third Revised Exhibit D are the declarations of Antonio Maceo, Gerard J. Yupp and W. Scott Seeley in support of this request.

7. 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.

8. As explained more fully in the declaration included as Third 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.

9. Also, 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.

10. Additionally, certain documents contain information relating to 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.

11. Nothing has changed since the Commission entered Order 0602 to render the Confidential Information that FPL identified in Second Revised Exhibit C stale or public, such that continued confidential treatment would not be appropriate.

12. 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 Third Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: s/ Maria Jose Moncada
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CERTIFICATE OF SERVICE
Docket No. 20210001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished
by electronic service on this 9th day of December 2021 to the following:

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By: s/ Maria Jose Moncada
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Florida Bar No. 0773301

THIRD REVISED EXHIBIT D

DECLARATIONS

THIRD REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchase Power Cost Recovery
Clause with Generating Performance Incentive Factor

Docket No: 20210001-EI

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 declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Third Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 15-023-4-1 for which I am designated as the declarant. Such 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 2012. 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 these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-18-0602-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: _____

12/9/21

THIRD REVISED EXHIBIT D

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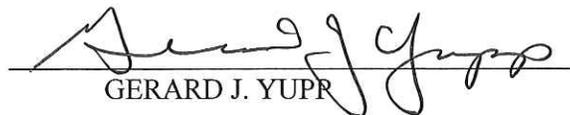
DECLARATION OF GERARD J. YUPP

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company (“FPL”) as Senior Director of Wholesale Operations in the Energy Marketing and Trading business unit. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed the documents referenced and incorporated in FPL’s Third Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 15-023-4-1. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute data such as pricing and other terms, payment records, and vendor and supplier rates. Specifically, the documents include information related to the purchase and sale of energy and capacity, the purchase and sale of natural gas, as well as the purchase of fuel oil and natural gas storage. The disclosure of this information would impair the efforts of FPL to contract for energy and capacity-related goods or services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain information in these documents and materials would also place FPL at a disadvantage when coupled with other information that is publicly available. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-18-0602-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.


GERARD J. YUPP

Date: 12 / 3 / 21

THIRD REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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Factor

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DECLARATION OF W. SCOTT SEELEY

1. My name is W. Scott Seeley. I currently serve as Vice President, Compliance & Corporate Secretary of NextEra Energy, Inc. and Florida Power & Light Company ("FPL"). I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Third Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 15-023-4-1 for which I am designated as the declarant. The documents or materials contain or consist of Florida Public Service Commission auditors' notes ("FPSC Auditors' Notes") relating to actions taken by the FPL board of directors, as set forth in FPL board minutes and consents. Certain portions of the FPSC Auditors' Notes identify union updates and authorized stock sales, which are considered by FPL to be highly sensitive, proprietary confidential business information. Public disclosure of this information would impair FPL's future ability to procure such facilities and enter agreements on favorable terms for the benefit of its customers. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-2018-0602-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 at least an additional thirty-six (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.



W. SCOTT SEELEY

Date: 12/9/2021