



William P. Cox
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5662
(561) 691-7135 (Facsimile)
E-mail: will.cox@fpl.com

April 25, 2022

-VIA ELECTRONIC FILING -

Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 20220002-EG

Dear Mr. Teitzman:

Attached for electronic filing in the above docket Florida Power & Light Company's ("FPL") Third Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 2015-013-4-1. The request includes Third Revised Exhibit D.

Exhibit D consists of the declaration in support of FPL's Third Request for Extension of Confidential Classification.

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

Sincerely,

s/ William P. Cox

William P. Cox

Enclosure

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost Recovery
Clause

Docket No: 20220002-EG

Date: April 25, 2022

**FLORIDA POWER & LIGHT COMPANY'S THIRD REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 2015-013-4-1**

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 material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 2015-013-4-1 ("the Audit"). In support of this request, FPL states as follows:

1. On July 6, 2015, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C, and D ("July 6, 2015 Request"). By Order No. PSC-15-0478-CFO-EG, dated October 15, 2015 ("Order 0478"), the Commission granted FPL's July 6, 2015 Request. FPL adopts and incorporates by reference the July 6, 2015 Request and Order 0478.

2. On March 21, 2017, FPL filed its First Request for Extension of Confidential Classification of the Confidential Information, which included First Revised Exhibit D ("March 21, 2017 Request"). By Order No. PSC-17-0237-CFO-EG, dated June 20, 2017 ("0237"), the Commission granted FPL's March 21, 2017 Request. FPL adopts and incorporates by reference the March 21, 2017 Request and Order 0237.

3. On December 20, 2018, FPL filed its Second Request for Extension of Confidential Classification of the Confidential Information, which included Second Revised Exhibit D ("December 20, 2018 Request"). By Order No. PSC-19-0157-CFO-EG, dated April 25, 2019

("0157"), the Commission granted FPL's December 20, 2018 Request. FPL adopts and incorporates by reference the December 20, 2018 Request and Order 0157.

4. 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 December 20, 2018 Second Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached herein.

5. Also included as Third Revised Exhibit D is the declaration of Anita Sharma in support of this request.

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, Florida Statutes, 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 declaration included as Third Revised Exhibit D, 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), Florida Statutes.

8. Also, 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), Florida Statutes.

9. Some documents contain customer-specific account information, which if disclosed would impair FPL's competitive interests or those of its vendors. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh, and bills. FPL treats such information as confidential and does not disclose it, except as required by law to entities or persons other than the customer absent the customer's consent. This information is protected by Section 366.093(3)(e), Florida Statutes.

10. Nothing has changed since the Commission entered Order 0157 to render the Confidential Information identified in Second Revised Exhibit C stale or public, such that continued confidential treatment would not be appropriate.

11. Pursuant to Section 366.093(4), Florida Statutes, 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), Florida Statutes.

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,

William P. Cox
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-3662
Facsimile: (561) 691-7135
Email: will.cox@fpl.com

By: s/ William P. Cox
William P. Cox
Florida Bar No. 0093531

CERTIFICATE OF SERVICE
Docket No. 20220002-EG

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification has been furnished by electronic mail on this 25th day of April 2022 to the following:

Walter Trierweiler
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
wtrierwe@psc.state.fl.us

J. Jeffrey Wahlen
Malcolm N. Means
Ausley & McMullen
P.O. Box 391
Tallahassee, Florida 32302
jbeasley@ausley.com
jwahlen@ausley.com
mmeans@ausley.com
Attorneys for Tampa Electric Company

Paula K. Brown, Manager
Tampa Electric Company
Regulatory Coordinator
Post Office Box 111
Tampa, Florida 33601-0111
regdept@tecoenergy.com

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

Mike Cassel
Vice President/Government and
Regulatory Affairs
Florida Public Utilities Company
208 Wildlight Ave.
Yulee, Florida 32097
mcassel@fpuc.com

Michelle D. Napier
Director, Regulatory Affairs Distribution
Florida Public Utilities Company
1635 Meathe Drive
West Palm Beach, FL33411
mnapier@fpuc.com

Richard Gentry
Patricia A. Christensen
Charles J. Rehwinkel
Stephanie Morse
Anastacia Pirrello
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

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

Beth Keating
Gunster Law Firm
215 South Monroe St., Suite 601
Tallahassee, Florida 32301-1804
bkeating@gunster.com
**Attorneys for Florida Public Utilities
Company**

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**

Matthew R. Bernier
Stephanie A. Cuello
Robert L. Pickels
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
matthew.bernier@duke-energy.com
Stephanie.cuello@duke-energy.com
Robert.pickels@duke-energy.com
FLRegulatoryLegal@duke-energy.com
Attorneys for Duke Energy Florida

Peter J. Mattheis
Michael K. Lavanga
Joseph R. Briscar
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
pjm@smxblaw.com
mkl@smxblaw.com
jrb@smxblaw.com
Attorneys for Nucor Steel Florida, Inc.

By: s/ William P. Cox
William P. Cox
Florida Bar No. 0093531

THIRD REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost Recovery
Clause

Docket No: 20220002-EG

DECLARATION OF ANITA SHARMA

1. My name is Anita Sharma. I am currently employed by Florida Power & Light Company ("FPL") as Sr. Manager Strategy Analytics, Demand Side Management Cost and Performance. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed Exhibit C, and the documents that were included in Exhibit A to FPL's December 20, 2018 Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. 2015-013-4-1. The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information contain or constitute information pertaining to negotiated terms with third party vendors for services related to FPL's demand side management programs and specifically, paid advertisement expenses, incentive pay out to qualified customers, and customer specific account information. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh, and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent. The disclosure of this information would impair the competitive business of FPL and its vendor and would also impair the effort of FPL to contract for goods and services on favorable terms. 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-2019-0157-CFO-EG 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, the information should be returned to FPL as soon as it 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.



ANITA SHARMA

Date: 4/21/2022