

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: June 14, 2022
TO: Adam Teitzman, Commission Clerk, Office of Commission Clerk
FROM: Adria Harper, Senior Attorney, Office of General Counsel *AH*
RE: Docket No. 20180049-EI, Evaluation of storm restoration costs for Florida Power & Light Company related to Hurricane Irma.

Please reopen Docket No. 20180049-EI for the purpose moving the following documents from Docket No. 20220000 into the Docket No. 20180049-EI:

- Reopened
6/24/22
hw*
- Document No. 03557-2022 – 6.10.22 - FPL (Badders) - (CONFIDENTIAL) Corrected Exh A, certain information related to Hurricane Elsa and Tropical Storm Fred costs
 - Document No. 03297-2022- 05.31.2022 - FPL (Cotner) - (CONFIDENTIAL) Certain information related to Hurricane Elsa and Tropical Storm Fred costs
 - Document No. 03296-2022 – 05.31.2022 - FPL (Cotner) - Request for confidential classification of [DN 03297-2022] information associated with Hurricane Elsa and Tropical Storm Fred informational filing.

Also, please include the attached Office of Public Counsel's 6/14/22 public records request in the docket.

The docket should stay open to permit entry of an order addressing the confidentiality request and should be closed upon the order's issuance.

Thank you.

AEH

RECEIVED-FPSC
2022 JUN 14 PM 2:40
COMMISSION
CLERK

Adria Harper

From: Adam Teitzman
Sent: Monday, June 13, 2022 4:47 PM
To: PRR - Broadcast
Subject: Rehwinkel 6/13/22 PRR Broadcast
Attachments: 03296-2022.pdf; FPL Elsa PRR Letter.pdf

Mary Anne,

Please see the attached PRR that has been acknowledged with a response date of 6/27/22.

- Adam

From: Adam Teitzman
Sent: Monday, June 13, 2022 4:44 PM
To: 'Gonzalez, Xiomara' <GONZALEZ.XIOMARA@leg.state.fl.us>; 'Rehwinkel, Charles' <REHWINKEL.CHARLES@leg.state.fl.us>
Cc: russell.badders@nexteraenergy.com; kate.cotner@fpl.com; Suzanne Brownless <SBrownle@PSC.STATE.FL.US>; Andrew Maurey <AMaurey@PSC.STATE.FL.US>
Subject: Rehwinkel 6/13/22 PRR Acknowledgment

Charles,

I am in receipt of your public records request, which will be responded to within 10 business days (6-27-22), if not sooner. I will contact you as soon as I have information regarding this request. I understand that you are seeking:

- 03297-2022- 05.31.2022 - FPL (Cotner) - (CONFIDENTIAL) Certain information related to Hurricane Elsa and Tropical Storm Fred costs; specifically, searchable spreadsheets that provide data documenting the receipt, review, adjustment where appropriate, and payment of costs uncured for line contractors and vegetation contractors; contractor travel logs.
- 03296-2022 – 05.31.2022 - FPL (Cotner) - Request for confidential classification of [DN 03297-2022] information associated with Hurricane Elsa and Tropical Storm Fred informational filing.

Please find attached Document No. 03296-2022. This document is not confidential and includes the redacted version of Document No. 03297-2022.

Should you have any questions, please feel free to contact me.

Regards,

Adam J. Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Adam.Teitzman@psc.state.fl.us
850.413.6826

From: Gonzalez, Xiomara <GONZALEZ.XIOMARA@leg.state.fl.us>
Sent: Monday, June 13, 2022 3:26 PM
To: Adam Teitzman <ATEITZMA@psc.state.fl.us>
Cc: russell.badders@nexteraenergy.com; kate.cotner@fpl.com; Suzanne Brownless <SBrownle@PSC.STATE.FL.US>; Andrew Maurey <AMaurey@PSC.STATE.FL.US>
Subject: Document Nos., 03297-2022, 03296-2022 contained in Docket No. 20220000.

Good Afternoon,

Please see the attached request.

If you have any questions or concerns regarding the attached document, please do not hesitate to contact our office at the number provided below and/or by email.

Thank you,

Xiomara Gonzalez
Office of Public Counsel
Phone #: 850-488-9330



Kate P. Cotner
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 694-3850
E-mail: kate.cotner@fpl.com

May 31, 2022

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: Request for Confidential Classification of Information Provided in Relation to Hurricane Elsa and Tropical Storm Fred, by Florida Power & Light Company.

Dear Mr. Teitzman:

I enclose for filing Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information Provided in support of its informational filing related to the storm restoration costs associated with Tropical Storm Elsa and Tropical Storm Fred.

The enclosed filing includes Exhibits A, B, C, and D. Exhibit A consists of a copy of the Confidential Documents. The information that FPL asserts is entitled to confidential treatment is highlighted. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted; or for responses deemed confidential in their entirety, 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 have any questions regarding this filing at (561) 694-3850 or kate.cotner@fpl.com.

Sincerely,

/s/ Kate P. Cotner
Kate P. Cotner

RECEIVED-FPSC
2022 MAY 31 PM 2:38
COMMISSION
CLERK

- COM _____
- AFD _____
- APA _____
- ECO 1 Exh "B"
- ENG _____
- GCL _____
- IDM _____
- CLK _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Request for Confidential Classification
Associated with Hurricane Elsa and Tropical
Storm Fred Informational Filing

Docket No: 20220000-EI

Date: May 31, 2022

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF INFORMATION ASSOCIATED WITH
HURRICANE ELSA AND TROPICAL STORM FRED INFORMATIONAL FILING**

Pursuant to Section 366.093, Florida Statutes ("F.S."), and Rule 25-22.006, Florida Administrative Code ("F.A.C."), Florida Power & Light Company ("FPL") hereby requests confidential classification of certain documents and information specified in FPL's informational filing concerning Hurricane Elsa and Tropical Storm Fred, which is being filed contemporaneously with this request:

1. This Request is being filed in accordance with Rule 25-22.006, F.A.C., in order to request confidential classification of certain information related to FPL's Hurricane Elsa and Tropical Storm Fred costs. Specifically, FPL seeks confidential classification of: (i) searchable spreadsheets that provide data documenting the receipt, review, adjustment where appropriate, and payment of FPL's Hurricane Elsa and Tropical Storm Fred costs incurred for line contractors and vegetation contractors; (ii) Hurricane Elsa and Tropical Storm Fred contractor travel logs (together, the "Confidential Documents").

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 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 in Exhibit A and references the specific statutory basis for the claim of confidentiality and identifies the Declarant who supports the requested classification.
- d. Exhibit D consists of the declarations of David Hughes and LaTonya Vincent in support of this Request.

3. FPL submits that the 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, F.S. 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), F.S. 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), F.S.

5. Upon a finding by the Commission that the information contained in the Confidential Documents is 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* Section 366.093(4), F.S.

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 this 31st day of May 2022.

Kate P. Cotner
Principal Attorney
Kate.cotner@fpl.com
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 694-3850
Facsimile: (561) 691-7135

By: /s/ Kate P. Cotner
Kate P. Cotner
Florida Bar No. 60581

EXHIBIT B

**Hurricane Elsa
Accounting Support
Files are Confidential in
Their Entirety**

**Hurricane Elsa Flat
Files are Confidential in
Their Entirety**

**Hurricane Elsa Travel
Orders are Confidential
in Their Entirety**

**FPL's Tropical Storm
Fred Accounting
Support Files are
Confidential in Their
Entirety**

**FPL's Tropical Storm
Fred Flat Files are
Confidential in Their
Entirety**

**FPL's Tropical Storm
Fred Travel Orders are
Confidential in Their
Entirety**

**Gulf Power's Tropical
Storm Fred Accounting
Support Files are
Confidential in Their
Entirety**

**Gulf Power's Tropical
Storm Fred Flat Files
are Confidential in
Their Entirety**

**Gulf Power's Tropical
Storm Fred Travel
Orders are Confidential
in Their Entirety**

EXHIBIT C

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: Hurricane Elsa and Tropical Storm Fred Informational Filing
DOCKET NO.: 20220000-EI
DATE: May 31, 2022

Document Description	No. of Pages	Conf. Y/N	Line / Column	Florida Statute 366.093(3) Subsection	Declarant(s)
Elsa Accounting Support Files	21	Y	All	(e)	David Hughes
Elsa Flat Files	38	Y	All	(d) (e)	LaTonya Vincent
Elsa Travel Orders	1	Y	All	(d) (e)	LaTonya Vincent
Fred – FPL – Accounting Support Files	22	Y	All	(c)	David Hughes
Fred -FPL- Flat Files	11	Y	All	(d) (e)	LaTonya Vincent
Fred -FPL- Travel Orders	1	Y	All	(d) (e)	LaTonya Vincent
Fred -Gulf- Accounting Support Files	23	Y	All	(e)	David Hughes

Document Description	No. of Pages	Conf. Y/N	Line / Column	Florida Statute 366.093(3) Subsection	Declarant(s)
Fred -Gulf- Flat Files	16	Y	All	(d) (e)	LaTonya Vincent
Fred -Gulf- Travel Orders	1	Y	All	(d) (e)	LaTonya Vincent

EXHIBIT D

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Request for Confidential Classification
Associated with Hurricane Elsa and
Tropical Storm Fred Informational Filing

Docket No: 20220000-EI

DECLARATION OF DAVID HUGHES

1. My name is David Hughes. I am currently employed by Florida Power & Light Company as Assistant Controller. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed the documents and information included in Exhibit A to Florida Power & Light Company's ("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.



David Hughes

Date: 5/31/2022

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Request for Confidential Classification
Associated with Hurricane Elsa and
Tropical Storm Fred Informational Filing

Docket No: 20220000-EI

DECLARATION OF LATONYA VINCENT

1. My name is LaTonya Vincent. I am currently employed by Florida Power & Light Company as Senior Director, Business Services, Power Delivery. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed the documents and information included in Exhibit A to Florida Power & Light Company's ("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.

LaTonya Vincent

LaTonya Vincent

Date: 05/26/2022



WILTON SIMPSON
President of the Senate

**STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL**

c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

EMAIL: OPC_WEBSITE@LEG.STATE.FL.US
WWW.FLORIDAOPC.GOV



CHRIS SPROWLS
*Speaker of the House of
Representatives*

June 13, 2022

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

Document Nos., 03297-2022, 03296-2022 contained in Docket No. 20220000.

Dear Mr. Teitzman:

The Office of Public Counsel requests a copy of the documents containing public records filed with the Florida Public Service Commission as listed below:

- 03297-2022- 05.31.2022 - FPL (Cotner) - (CONFIDENTIAL) Certain information related to Hurricane Elsa and Tropical Storm Fred costs; specifically, searchable spreadsheets that provide data documenting the receipt, review, adjustment where appropriate, and payment of costs uncured for line contractors and vegetation contractors; contractor travel logs.
- 03296-2022 – 05.31.2022 - FPL (Cotner) - Request for confidential classification of [DN 03297-2022] information associated with Hurricane Elsa and Tropical Storm Fred informational filing.

We are aware that the documents are subject to a claim of confidentiality. It is also true that FPL has filed a Request for Confidential Classification ("RCC").

Because FPL seeks to have this information to be housed in this undocketed portion of the Commissions filing system, the ability of the OPC to intervene in what would otherwise be a docketed matter and to thus file and serve discovery (requesting the documents such as those contained in 03297-2022) is arguably unavailable. Rather than insist that the Commission open a docket at this time to consider the costs - which remains an option- the OPC makes the following request.

As the filing of the RCC as Document No. 03296-2022 would appear to demonstrate, the information subject to the claim of confidentiality is information that meets the definition of Section 11.0431(2)(a):

The following public records are exempt from inspection and copying:

June 13, 2022

Page 2

Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in s. 119.011, or any other unit of government, would be confidential or exempt from the provisions of s. 119.07(1), or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.

The Office of Public Counsel is part of the Legislative Branch. Section 350.0614(2), Fla. Stat. The Commission is an agency defined in s. 119.011, Fla. Stat. This statute applies to the requested documents. Accordingly, the Public Counsel must keep the information subject to the RCC confidential and will do so upon delivery.

To the extent that the Commission is nevertheless unwilling to make the information available as a response to a public records request under the provisions of section 11.0431(2)(a), Fla. Stat. the OPC requests that the information be placed in a docket for determination of the submitted cost -- by agency action -- as to reasonableness and prudence for recovery from current or future customers.

Please do not hesitate to contact me at 850.717.0328 with any concerns, questions or determination regarding the disposition of this request.

Thank you.

Sincerely,

s/Charles J. Rehwinkel

Charles J. Rehwinkel
Deputy Public Counsel

Cc: Russel Badders, Esquire (FPL)
Kate P. Cotner (FPL)
Suzanne Brownless, Esquire (FPSC)
Andrew Maurey (FPSC)

Adria Harper

From: Adam Teitzman
Sent: Tuesday, June 14, 2022 10:58 AM
To: PRR - Broadcast
Subject: Rehwinkel 6/13/22 PRR Broadcast (Updated Request Submitted)
Attachments: FPL Elsa PRR Letter 6.14.pdf

The Office of Public Counsel submitted the attached update to the PRR acknowledged yesterday. The response date remains 6/27/22.

- Adam

From: Adam Teitzman
Sent: Tuesday, June 14, 2022 10:54 AM
To: 'Gonzalez, Xiomara' <GONZALEZ.XIOMARA@leg.state.fl.us>; 'Rehwinkel, Charles' <REHWINKEL.CHARLES@leg.state.fl.us>
Cc: 'russell.badders@nexteraenergy.com' <russell.badders@nexteraenergy.com>; 'kate.cotner@fpl.com' <kate.cotner@fpl.com>; Suzanne Brownless <SBrownle@PSC.STATE.FL.US>; Andrew Maurey <AMaurey@PSC.STATE.FL.US>
Subject: Rehwinkel 6/13/22 PRR Updated Acknowledgment

Charles,

I will add the following updated request to yesterday's PRR:

- 03557-2022 – 6.10.22 - FPL (Badders) - (CONFIDENTIAL) Corrected Exh A, certain information related to Hurricane Elsa and Tropical Storm Fred costs; specifically, searchable spreadsheets. [CLK note: This filing replaces previously filed Exh A (DN 03297-2022)].

The estimated response date will remain 6/27/22.

Sincerely,

Adam J. Teitzman

Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
Adam.Teitzman@psc.state.fl.us
850.413.6826

From: Adam Teitzman
Sent: Monday, June 13, 2022 4:44 PM

To: 'Gonzalez, Xiomara' <GONZALEZ.XIOMARA@leg.state.fl.us>; 'Rehwinkel, Charles'

<REHWINKEL.CHARLES@leg.state.fl.us>

Cc: russell.badders@nexteraenergy.com; kate.cotner@fpl.com; Suzanne Brownless <SBrownle@PSC.STATE.FL.US>; Andrew Maurey <AMaurey@PSC.STATE.FL.US>

Subject: Rehwinkel 6/13/22 PRR Acknowledgment

Charles,

I am in receipt of your public records request, which will be responded to within 10 business days (6-27-22), if not sooner. I will contact you as soon as I have information regarding this request. I understand that you are seeking:

- 03297-2022- 05.31.2022 - FPL (Cotner) - (CONFIDENTIAL) Certain information related to Hurricane Elsa and Tropical Storm Fred costs; specifically, searchable spreadsheets that provide data documenting the receipt, review, adjustment where appropriate, and payment of costs uncured for line contractors and vegetation contractors; contractor travel logs.
- 03296-2022 – 05.31.2022 - FPL (Cotner) - Request for confidential classification of [DN 03297-2022] information associated with Hurricane Elsa and Tropical Storm Fred informational filing.

Please find attached Document No. 03296-2022. This document is not confidential and includes the redacted version of Document No. 03297-2022.

Should you have any questions, please feel free to contact me.

Regards,

Adam J. Teitzman

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

Adam.Teitzman@psc.state.fl.us

850.413.6826

From: Gonzalez, Xiomara <GONZALEZ.XIOMARA@leg.state.fl.us>

Sent: Monday, June 13, 2022 3:26 PM

To: Adam Teitzman <ATEITZMA@psc.state.fl.us>

Cc: russell.badders@nexteraenergy.com; kate.cotner@fpl.com; Suzanne Brownless <SBrownle@PSC.STATE.FL.US>; Andrew Maurey <AMaurey@PSC.STATE.FL.US>

Subject: Document Nos., 03297-2022, 03296-2022 contained in Docket No. 20220000.

Good Afternoon,

Please see the attached request.

If you have any questions or concerns regarding the attached document, please do not hesitate to contact our office at the number provided below and/or by email.

Thank you,

Xiomara Gonzalez
Office of Public Counsel
Phone #: 850-488-9330



WILTON SIMPSON
President of the Senate

STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

EMAIL: OPC_WEBSITE@LEG.STATE.FL.US
WWW.FLORIDAOPC.GOV



CHRIS SPROWLS
Speaker of the House of Representatives

June 14, 2022

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

Document No. 3557-2022, contained in Docket No. 20220000.

Dear Mr. Teitzman:

The Office of Public Counsel requests a copy of the document(s) containing public records filed with the Florida Public Service Commission as listed below:

- 03557-2022 – 6.10.22 - FPL (Badders) - (CONFIDENTIAL) Corrected Exh A, certain information related to Hurricane Elsa and Tropical Storm Fred costs; specifically, searchable spreadsheets. [CLK note: This filing replaces previously filed Exh A (DN 03297-2022)].

We are aware that the document(s) are subject to a claim of confidentiality. It is also true that FPL has filed a Request for Confidential Classification ("RCC").

Because FPL seeks to have this information to be housed in this undocketed portion of the Commissions filing system, the ability of the OPC to intervene in what would otherwise be a docketed matter and to thus file and serve discovery (requesting the documents such as those contained in 03297-2022) is arguably unavailable. Rather than insist that the Commission open a docket at this time to consider the costs - which remains an option- the OPC makes the following request.

As the filing of the RCC as Document No. 03296-2022 would appear to demonstrate, the information subject to the claim of confidentiality is information that meets the definition of Section 11.0431(2)(a):

The following public records are exempt from inspection and copying:
Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in s. 119.011, or any other unit of government, would be confidential or exempt from the provisions of s. 119.07(1), or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.

June 14, 2022

Page 2

The Office of Public Counsel is part of the Legislative Branch. Section 350.0614(2), Fla. Stat. The Commission is an agency defined in s. 119.011, Fla. Stat. This statute applies to the requested documents. Accordingly, the Public Counsel must keep the information subject to the RCC confidential and will do so upon delivery.

To the extent that the Commission is nevertheless unwilling to make the information available as a response to a public records request under the provisions of section 11.0431(2)(a), Fla. Stat. the OPC requests that the information be placed in a docket for determination of the submitted cost -- by agency action -- as to reasonableness and prudence for recovery from current or future customers.

Please do not hesitate to contact me at 850.717.0328 with any concerns, questions or determination regarding the disposition of this request.

Thank you.

Sincerely,

s/Charles J. Rehwinkel

Charles J. Rehwinkel

Deputy Public Counsel

Cc: Russel Badders, Esquire (FPL)
Kate P. Cotner (FPL)
Suzanne Brownless, Esquire (FPSC)
Andrew Maurey (FPSC)