



**David M. Lee**  
**Senior Attorney**  
**Florida Power & Light Company**  
**700 Universe Boulevard**  
**Juno Beach, FL 33408-0420**  
**(561) 691-7263**  
**(561) 691-7135 (Facsimile)**  
**Email : david.lee@fpl.com**

July 5, 2022

**VIA ELECTRONIC FILING**

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

**Re: Docket No. 20220001-EI**

Dear Mr. Teitzman:

I attach for filing in the above docket Florida Power & Light Company's Third Request for Extension of Confidential Classification of certain material provided to the Staff of the Florida Public Service Commission pursuant to Audit Control No. 2017-023-1-2. The request also includes Exhibit D, which is the declaration in support of the request.

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

Sincerely,

*s/ David M. Lee*

David M. Lee

Enclosure

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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

|   |  |
|---|--|
| In re: Fuel and Purchased Power Cost<br>Recovery Clause with Generating<br>Performance Incentive Factor | Docket No: 20220001-EI<br>Date: July 5, 2022 |
|---|--|

**FLORIDA POWER & LIGHT COMPANY’S THIRD  
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF  
MATERIALS PROVIDED PURSUANT TO AUDIT NO. 2017-023-1-2**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company (“FPL”)<sup>1</sup> hereby submits its Third Request for Extension of Confidential Classification of certain material provided to the Staff of the Florida Public Service Commission (“Staff”) pursuant to the Commission’s review of pre-consolidated Gulf’s 2016 capacity expenditures, Audit No. 2017-023-1-2 (“Confidential Information”). In support of this Request, FPL states as follows:

1. On June 1, 2017, Gulf filed a request for confidential classification of the Confidential Information (Document No. 05144-17, Docket No. 20170001-EI) (“June 1, 2017 Request”). By Order No. PSC-2017-0253-CFO-EI, dated June 29, 2017 (“Order 0253”), the Commission granted Gulf’s June 1, 2017 Request. FPL adopts and incorporates by reference the June 1, 2017 Request and Order 0253.

2. On December 20, 2018, Gulf filed a Request for Extension of Confidential Classification (“December 20, 2018 Request”). By Order No. PSC-2019-0149-CFO-EI, dated April 24, 2019 (“Order 149”), the Commission granted Gulf’s December 20, 2018 Request. FPL adopts and incorporates by reference the December 20, 2018 Request and Order 0149.

---

<sup>1</sup> As of January 1, 2022, Gulf Power Company (“Gulf”) no longer exists as a separate utility. FPL and the former Gulf Power Company are one consolidated ratemaking entity. The original Request for Confidential Classification and the underlying data submitted with that filing pertains to pre-consolidation operations of Gulf.

3. On October 23, 2020, Gulf filed a Second Request for Extension of Confidential Classification (“October 23, 2020 Request”). By Order No. PSC-2021-012-CFO-EI, dated January 4, 2021 (“Order 012”), the Commission granted Gulf’s October 23, 2020 Request. FPL adopts and incorporates by reference the October 23, 2020 Request and Order 012.

4. The period of confidential treatment granted by Order 012 will soon expire. The Confidential Information that was the subject of Gulf’s October 23, 2020 Request and Order 012 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Fla. Stat. Accordingly, FPL hereby submits its Third Request for Extension of Confidential Classification.

5. All the information designated in the October 23, 2020 Request remains confidential, and to the knowledge of the undersigned attorney, the Confidential Information has not been publicly disclosed. Accordingly, Exhibits A, B and C will not be reproduced or reattached herein. Included as Exhibit D is the declaration of Richard Hume in support of this request.

6. The Confidential Information is intended to be and has been treated by pre-consolidation Gulf and FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, Fla. Stat., such information is entitled to confidential treatment and is 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.

5. The Confidential Information is entitled to continued confidential classification

for the same reasons that it was initially classified. As stated in Gulf's Original Request, a portion of the information submitted by Gulf Power in connection with the Review constitutes proprietary confidential business information concerning bids and other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. Specifically, this Confidential Information includes pricing information for capacity purchases between pre-consolidation Gulf and various counterparties. This information continues to be regarded as confidential by FPL and the various counterparties. Potential counterparties may refuse to enter into contracts with FPL, or they may charge higher prices if the terms were made public. Disclosure of this information would also impair the competitive interests of FPL and its counterparties. The information is entitled to confidential classification pursuant to section 366.093(3)(d) and (e), Florida Statutes.

7. 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, Florida Power & Light Company respectfully requests that its Third Request for Extension of Confidential Classification be granted.

Respectfully submitted,

Maria Jose Moncada  
Managing Attorney  
David M. Lee  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 6917263  
Facsimile: (561) 691-7135  
Email: maria.moncada@fpl.com  
david.lee@fpl.com

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

**CERTIFICATE OF SERVICE**  
**Docket No. 20220001-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification has been furnished by electronic mail on this 5th day of July 2022 to the following:

Suzanne Brownless  
Division of Legal Services  
**Florida Public Service Commission**  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
sbrownle@psc.state.fl.us

J. Jeffrey Wahlen  
Malcolm N. Means  
Ausley & McMullen  
P.O. Box 391  
Tallahassee, Florida 32302  
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

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

Richard Gentry  
Patricia A. Christensen  
Charles J. Rehwinkel  
Stephanie Morse  
Mary Wessling  
**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  
wessling.mary@leg.state.fl.us

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

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

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

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.**

Robert Scheffel Wright  
John T. LaVia, III  
Gardner, Bist, Bowden, Dee. LaVia, Wright,  
Perry & Harper, P.A.  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
schef@gbwlegal.com  
jlavia@gbwlegal.com  
**Attorneys for Florida Retail Federation**

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**

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**

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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power Cost  
Recovery Clause with Generating  
Performance Incentive Factor by Florida  
Power & Light Company

Docket No: 20220001-EI

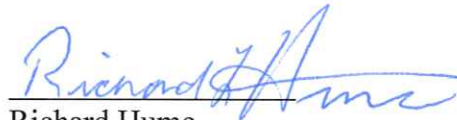
DECLARATION OF RICHARD HUME

1. My name is Richard Hume. I am currently employed by Florida Power & Light Company (“FPL”) as Regulatory Issues Manager. 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 Materials Provided Pursuant to Audit No. 2017-023-1-2 for which I am identified as a declarant. The documents which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to competitive interests. Specifically, the information contains details concerning pre-consolidated Gulf Power’s capacity purchases with various counterparties. This information is subject to non-disclosure obligations. Furthermore, disclosure of the pricing terms may result in counterparties refusing to conduct business with FPL, or they may charge higher prices. 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-2021-0012-CFO-EI to render the designated information stale or public, such that continued confidential treatment would not be appropriate. Therefore, consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of 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.

  
Richard Hume

Date: July 5, 2022