

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 20230001-EI

Date: October 20, 2023

**FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF INFORMATION
PROVIDED IN RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 5, 6, 11 AND 12)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its First Request for Extension of Confidential Classification of certain information provided in response to the Office of Public Counsel's ("OPC") First Request for Production of Documents (Nos. 5, 6, 11 and 12) ("Confidential Information"). In support of its Request, FPL states as follows:

1. On April 1, 2022, FPL filed a request for confidential classification of the Confidential Information (Document No. 02219-2022, Docket No. 20220001-EI) ("April 1, 2022 Request"). By Order No. PSC-2022-0150-CFO-EI, dated April 22, 2022 ("Order 0150"), the Commission granted FPL's April 1, 2022 Request. FPL adopts and incorporates by reference the April 1, 2022 Request and Order 0150.

2. The period of confidential treatment granted by Order 0150 will soon expire. The Confidential Information that was the subject of FPL's April 1, 2022 Request and Order 0150 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Fla. Stat. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

3. All the information designated in the April 1, 2022 Request remains confidential, and to the knowledge of the undersigned attorney, the Confidential Information has not been publicly disclosed. Accordingly, Exhibits A and B will not be reproduced or reattached herein.

Included is a First revised Exhibit C to identify a new declarant, Cheryl Dietrich, who is replacing the previous declarant, Dean Curtland.

4. Also included as First Revised Exhibit D is the declaration of Cheryl Dietrich in support of this request.

5. 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.

6. As explained more fully in the declaration included in First Revised Exhibit D, the documents provided by FPL contain information pertaining to the security systems or personnel procedures for power plants, transmission facilities or other security-sensitive facilities that prohibit FPL from disclosing the subject data. Specifically, the confidential documents contain schemata information pertaining to nuclear generation facilities that, if disclosed publicly, could impair the security of the plant. This information is protected by Section 366.093(3)(c), Fla. Stat.

7. Nothing has changed since the Commission entered Order 0150 to render the Confidential Information identified in First Revised Exhibit C stale or public, such that continued confidential treatment would not be appropriate.

8. 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 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* § 366.093(4), Fla. Stat.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the materials and declaration included herewith, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: /s/ David M. Lee

David M. Lee
Florida Bar No. 103152

CERTIFICATE OF SERVICE
Docket No. 20230001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 20th day of October 2023 to the following:

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

Docket No. 20230001-EI

FIRST REVISED EXHIBIT “C”

**FPL RESPONSES TO OPC’S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS
(NOS. 5, 6, 11 & 12)**

FIRST REVISED EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 20230001-EI
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor
SUBJECT: FPL's Responses to OPC's First Request for Production (Nos. 5, 6, 11 and 12)
DATE: October 20, 2023

*Bold denotes a change to reflect a new declarant.

OPC's First PODs	Bates Nos.	Description	Line No./ Col. No.	Florida Statute 366.093(3) Subsection	Declarant
Request No. 5	FCR-22-000665 through FCR-22-000675	Turkey Point Unit 3 Piping Diagrams	ALL	(c)	Cheryl Dietrich
Request No. 6	FCR-22-000676 through FCR-22-000693	Turkey Point Unit 4 Piping Diagrams	ALL	(c)	Cheryl Dietrich
Request No. 11	FCR-22-001346 through FCR-22-001370	St. Lucie Unit 1 Piping Diagrams	ALL	(c)	Cheryl Dietrich
Request No. 12	FCR-22-001371 through FCR-22-001372	St. Lucie Unit 2 Piping Diagrams	ALL	(c)	Cheryl Dietrich

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FIRST REVISED EXHIBIT “D”

**FPL RESPONSES TO OPC’S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS
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FIRST REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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Clause with Generating Performance Incentive
Factor

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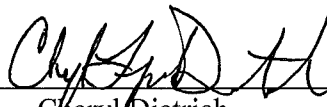
DECLARATION OF CHERYL DIETRICH

1. My name is Cheryl Dietrich. I am currently employed by Florida Power & Light Company ("FPL") as Senior Finance Director, Nuclear Finance. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's April 22, 2022 Request for Confidential Classification. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business relate to the security of FPL assets and/or facilities. Specifically, the confidential documents contain schemata information pertaining to nuclear generation facilities that, if disclosed publicly, could impair the security of the plant. 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-2022-0150-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 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.



Cheryl Dietrich

Date: 10/20/2023