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September 16, 2021

VIA HAND DELIVERY

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

Re: Docket No. 20210015-EI

REDACTED

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information contained in the Stipulation between FPL and the League of United Latin American Citizens, the Environmental Confederation of Southwest Florida, and Florida Rising, Inc. to be entered into the evidentiary record at the hearing in the above referenced docket. The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the documents containing confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing in an envelope marked "EXHIBIT A" – CONFIDENTIAL. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains the declarations in support of FPL's Request. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Request for Confidential Classification.

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

- COM
 - AFD 1 ex B
 - APA
 - ECO
 - ENG
 - GCL
 - IDM
 - CLK
- Enclosure

Sincerely,

/s/ Maria Jose Moncada
Maria Jose Moncada
Senior Attorney
Fla. Bar No. 0773301

RECEIVED-FPSC
2021 SEP 16 PM 1:26
COMMISSION CLERK

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light
Company for Rate Unification and for Base
Rate Increase

Docket No. 20210015-EI

Filed: September 16, 2021

**FLORIDA POWER & LIGHT COMPANY’S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF CERTAIN INFORMATION CONTAINED IN THE
STIPULATION BETWEEN FLORIDA POWER & LIGHT COMPANY AND THE
LEAGUE OF UNITED LATIN AMERICAN CITIZENS, ENVIRONMENTAL
CONFEDERATION OF SOUTHWEST FLORIDA, AND FLORIDA RISING, INC.**

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 information contained in the Stipulation between FPL and the League of United Latin American Citizens (“LULAC”), the Environmental Confederation of Southwest Florida (“ECOSWF”), and Florida Rising, Inc. (“FR”) (hereinafter, collectively referred to as “LULAC/ECOSWF/FR”) to be entered into the evidentiary record at the hearing in the above referenced docket (the “Confidential Information”). In support of its Request, FPL states as follows:

1. FPL provided written responses to informal requests from LULAC/ECOSWF/FR regarding the highly sensitive data included in the workpaper for FPL Exhibit KS-4.
2. On August 20, 2021, FPL and LULAC/ECOSWF/FR entered into a Stipulation and agreed to the admission of FPL’s responses to the informal requests from LULAC/ECOSWF/FR into the evidentiary record in Docket No. 20210015-EI.
3. In the Stipulation, FPL and LULAC/ECOSWF/FR agreed that certain information contained in Attachment 1 to the Stipulation is confidential and should be entered into the evidentiary record as a confidential exhibit in accordance with the requirements of Commission Order No. PSC-2021-0302-PHO-EI.

4. FPL herein requests confidential classification of certain information contained in Attachment 1 to the Stipulation.

5. The following exhibits are included with and made a part of this request:

a. Exhibit A is a copy of the confidential material on which all the information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B is of a copy of the confidential documents, on which all the information that is entitled to confidential treatment under Florida law has been redacted.

c. Exhibit C is a table that identifies by column and line the information for which confidential treatment is being sought and references the specific statutory basis for the claim of confidentiality. Exhibit C also identifies the declarants who support the requested classification.

d. Exhibit D contains the declarations of the individuals who support the requested classification.

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 described in the declarations included as Exhibit D, the Confidential Information consists of information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the disclosure of

this confidential information would significantly impair and jeopardize FPL's ability to compete for, attract, and retain the personnel necessary to provide safe, reliable, and affordable service to its customers. This information is protected by Section 366.093(3)(e), Florida Statutes.

8. Upon a finding by the Commission that the Confidential Information is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See* Section 399.093(4), Florida Statutes.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and declarations included herewith, FPL respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

FLORIDA POWER & LIGHT COMPANY

By: /s/ R. Wade Litchfield

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CERTIFICATE OF SERVICE
20210015-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing* has been furnished by electronic mail this 16th day of September 2021 to the following parties:

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

* The exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

EXHIBIT A

CONFIDENTIAL

EXHIBIT B

REDACTED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light Company
for Base Rate Increase and Rate Unification

Docket No. 20210015-EI

Date: Aug. 20, 2021

**STIPULATION BETWEEN
FLORIDA POWER & LIGHT COMPANY AND LEAGUE OF UNITED LATIN
AMERICAN CITIZENS OF FLORIDA, ENVIRONMENTAL CONFEDERATION OF
SOUTHWEST FLORIDA, INC., AND FLORIDA RISING, INC.**

WHEREAS, Florida Power & Light Company (“FPL”) and League of United Latin American Citizens of Florida (“LULAC”), Environmental Confederation Of Southwest Florida, Inc. (“ECOSWF”), and Florida Rising, Inc. (“FR”) (hereinafter collectively referred to as LULAC/ECOSWF/FR”) have signed this Stipulation (unless the context clearly requires otherwise, the term “Party” or “Parties” means a signatory to this Stipulation);

WHEREAS, On March 12, 2021, FPL filed its petition requesting a base rate increase along with minimum filing requirement schedules and testimony supporting the request, which included Exhibit KS-4 attached to the direct testimony of FPL witness Kathleen Slattery;

WHEREAS, in response to Office of Public Counsel Supplemental First Request for Production of Documents Request No. 36, FPL produced the workpaper for FPL Exhibit KS-4 as “Highly Sensitive Information,” which was made available to review in accordance with the terms and requirements of the Confidentiality Agreement;

WHEREAS, LULAC/ECOSWF/FR desires to introduce into the evidentiary record in the above-docketed matter certain data included in the workpaper for FPL Exhibit KS-4;

WHEREAS, FPL provided written responses to informal requests from LULAC/ECOSWF/FR regarding the data included in the workpaper for FPL Exhibit KS-4;

WHEREAS, to expedite the evidentiary hearing, the Parties stipulate and agree to the admission of certain facts into the evidentiary record as set forth herein.

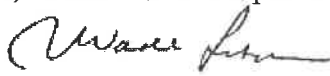
NOW THEREFORE, in consideration of the foregoing, the Parties hereby stipulate and agree to the following:

1. The Parties stipulate and agree to the admission of Attachment 1 to this Stipulation into the evidentiary record in Docket No. 20210015-EI. The Parties stipulate and agree that the information contained in Attachment 1 to this Stipulation is confidential and should be entered into the evidentiary record as a confidential exhibit in accordance with the requirements of Commission Order No. PSC-2021-0302-PHO-EI.


2. The Parties stipulate and agree to the admission of Attachment 2 to this Stipulation into the evidentiary record in Docket No. 20210015-EI.

3. The Parties stipulate and agree to waive cross examination of FPL witness Kathleen Slattery, including on Exhibit KS-4, the workpapers for KS-4, and Attachments 1 and 2 to this Stipulation, and reserve the right to brief the issues.

IN WITNESS WHEREOF, the Parties, by and through their respective undersigned counsel, evidence their acceptance and agreement with this Stipulation.

By: 
R. Wade Litchfield
Vice President and General Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

**FOR FLORIDA POWER &
LIGHT COMPANY**

By: 
Bradley Marshall
Earthjustice,
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Tallahassee, Florida 32301

**FOR FLORIDA RISING, LEAGUE
OF UNITED LATIN AMERICAN
CITIZENS AND ENVIRONMENTAL
CONFEDERATION OF
SOUTHWEST FLORIDA**

ATTACHMENT 1
[REDACTED VERSION]

REDACTED VERSION

INFORMAL REQUEST NO. 1:

See Exhibit KS-4 attached to the direct testimony of FPL witness Kathleen Slattery. Please provide the following that both includes and excludes the base salary for the President and CEO of FPL:

- (a) The median base salary of the top 1% of FPL salaried employees, and the median Market Reference Point for those positions.
- (b) The median base salary for the employees of FPL with the 10 highest base salaries, and the median Market Reference Point for those positions.
- (c) The percentage of FPL employees that have a base salary above and below the median Market Reference Point for those positions.
- (d) The average base salary of the top 1% of FPL salaried employees, and the average Market Reference Point for those positions.
- (e) The average base salary for the employees of FPL with the 10 highest base salaries, and the average Market Reference Point for those positions.

RESPONSE:

The information requested is Confidential and will be made available subject to the reviewing party having executed the Confidentiality Agreement and being and remaining in compliance with the requirements of the Confidentiality Agreement.

The use of a median salary is the industry standard practice to benchmark salaries for comparable positions, as well as for purposes of recruiting, hiring, and retaining employees. The average salary is not an industry standard practice for benchmarking, hiring, and retaining employees due to the potential presence of and impacts from outliers that could skew the results. Notwithstanding the foregoing, FPL has provided both the median and average salaries for the requested information.

Median and Average Calculations – Inclusive of base salary for President and CEO of FPL:

- (a) The employees of FPL who earn in the top 1% of FPL salaried employees (█ employees) have a median base salary of \$█. The median Market Reference Point for those positions is \$█.
- (b) The median base salary for the employees of FPL with the 10 highest base salaries is \$█. The median Market Reference Point for those positions is \$█.
- (c) A total of █% of FPL's salaried employees have a base salary that is below the median Market Reference Point for those positions, and █% of FPL's salaried employees have a base salary that is above the median Market Reference Point for those positions.
- (d) The employees of FPL who earn in the top 1% of FPL salaried employees (█ employees) have an average base salary of \$█. The average Market Reference Point for those positions is \$█.

- (e) The average base salary for the employees of FPL with the 10 highest base salaries is \$ [REDACTED]. The average Market Reference Point for those positions is \$ [REDACTED].

Median and Average Calculations – Exclusive of base salary for President and CEO of FPL:

- (a) The employees of FPL who earn in the top 1% of FPL salaried employees ([REDACTED] employees) have a median base salary of \$ [REDACTED]. The median Market Reference Point for those positions is \$ [REDACTED].
- (b) The median base salary for the employees of FPL with the 10 highest base salaries is \$ [REDACTED]. The median Market Reference Point for those positions is \$ [REDACTED].
- (c) A total of [REDACTED] % of FPL's salaried employees have a base salary that is below the median Market Reference Point for those positions, and [REDACTED] % of FPL's salaried employees have a base salary that is above the median Market Reference Point for those positions.
- (d) The employees of FPL who earn in the top 1% of FPL salaried employees ([REDACTED] employees) have an average base salary of \$ [REDACTED]. The average Market Reference Point for those positions is \$ [REDACTED].
- (e) The average base salary for the employees of FPL with the 10 highest base salaries is \$ [REDACTED]. The average Market Reference Point for those positions is \$ [REDACTED].

ATTACHMENT 2

INFORMAL REQUEST NO. 2:

Please describe how the market reference points in Exhibit KS-4 attached to the direct testimony of FPL witness Kathleen Slattery were calculated or determined.

RESPONSE:

Market Reference Points (MRPs) in Exhibit KS-4 were determined using FPL's standard benchmarking of FPL non-bargaining jobs to similar jobs in the appropriate marketplace.

Surveys

FPL's human resources function performs an annual salary benchmarking analysis of all non-bargaining jobs in the Company using compensation survey data purchased from reputable third-party sources, such as Towers Watson, Aon Hewitt and Mercer. FPL competes for talent nationally and regionally in both the utility and general industry labor markets. As a result, FPL utilizes multiple compensation surveys to reflect these labor markets. Surveys are selected to match the relevant labor market and job category and, when possible, more than one survey source is used to benchmark a job. Using multiple sources to benchmark a job helps establish trends and avoid bias of a single source.

Data reported in third-party annual salary surveys are confidential and proprietary to the third-party survey providers and are only available for purchase directly from the providers. Third-party survey providers review/scrub the data submissions of each reporting organization, to ensure participants are matching jobs appropriately. The data is then aggregated to eliminate possible attribution to specific employers.

Job Matching and Data Selection

FPL non-bargaining jobs are matched to appropriate survey jobs based on whole job content (i.e., robust job descriptions). Consistent with standard compensation best practices, an appropriate survey match will overlap with at least 70 percent of the Company's job content. This allows for the fact that the specific day-to-day activities of any job will vary slightly at different companies. FPL jobs that are a blend of more than one survey job description are benchmarked by using multiple matches from the same survey source to determine market rate, which is a standard practice for compensation practitioners to utilize when a job cannot be matched to a single job description in a survey.

Surveys typically provide data by industry and by revenue grouping. If a survey job has adequate sample size in the relevant industry data subset, then industry data is selected. Otherwise, the appropriate revenue grouping is selected. Occasionally, revenue grouping sample size for a job is not adequate, and the total sample is used. For non-exempt company jobs, regional data subsets are typically used.

Median

An MRP is typically established for each job using survey median salary data, rounded to the nearest \$1,000. Median denotes that, for a particular job, 50% of incumbents are paid a salary above that amount and 50% are paid a salary below that amount. Median describes the central tendency and minimizes the effect of extreme values, or outliers, that are experienced with the use of averages. For this reason, the use of a median salary is the industry standard practice to benchmark salaries for comparable positions, as well as for purposes of recruiting, hiring, and retaining employees.

Use of MRP

The MRP functions as a guideline for managing pay; however, individual pay decisions are made by considering the MRP and other relevant factors, including: responsibility, performance, years of experience, years in position, internal pay equity with Company peer employees, “criticality” of position and/or skill set, and market environment (supply and demand for the job and/or skill set).

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: Petition by Florida Power & Light Company for Base Rate Increase and Rate Unification
DOCKET NO.: 20210015-EI
DATE: September 17, 2021

Description	Begin Bates Number	End Bates Number	Confidential	Page No.	Line/Col	Florida Statute 366.093 (3) Subsection	Declarant
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 1	1/E	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 1	2/C	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 1	3/B	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 1	5/A	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 1	5/E	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 1	6/B	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 1	7/D	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 1	9/E	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 1	10/C	(e)	Kathleen Slattery

Description	Begin Bates Number	End Bates Number	Confidential	Page No.	Line/Col	Florida Statute 366.093 (3) Subsection	Declarant
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 1	11/B	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	2/A	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	2/E	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	4/E	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	5/C	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	6/B	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	8/A	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	8/E	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	9/B	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	10/D	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	12/E	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	13/C	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	14/B	(e)	Kathleen Slattery
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	15/A	(e)	Kathleen Slattery

Description	Begin Bates Number	End Bates Number	Confidential	Page No.	Line/Col	Florida Statute 366.093 (3) Subsection	Declarant
Stipulation between FPL and LULAC/ECOSWF/FR	N/A	N/A	Y	Attachment A, page 2	15/E	(e)	Kathleen Slattery

EXHIBIT D

DECLARATIONS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light Company
for Rate Unification and for Base Rate Increase

Docket No: 20210015-EI

DECLARATION OF KATHLEEN SLATTERY

1. My name is Kathleen Slattery. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Executive Services and Compensation. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Request for Confidential Classification, specifically the information contained in the Stipulation between FPL and the League of United Latin American Citizens, the Environmental Confederation of Southwest Florida, and Florida Rising, Inc. to be entered into the evidentiary record at the hearing in the above referenced docket.

3. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain competitive business information the disclosure of which would impair the competitive business of FPL. Specifically, the disclosure of this confidential information would significantly impair and jeopardize FPL's ability to compete for, attract, and retain the personnel necessary to provide safe, reliable, and affordable service to its customers. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

4. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 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.

5. 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.



Kathleen Slattery

Date: 9/15/2021