

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's request for confidential classification of document request responses and portions of audit staff's draft report entitled Coal Combustion Residual Storage and Disposal Process of the Florida Electric Industry

Docket No. 110322-EI

Filed August 13, 2012

**FLORIDA POWER AND LIGHT COMPANY'S FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION OF REPORT AND DATA RESPONSES RELATED TO STAFF'S REVIEW OF COAL COMBUSTION RESIDUAL STORAGE AND DISPOSAL PROCESS OF THE FLORIDA ELECTRIC INDUSTRY**

Pursuant to Section 366.093, Florida Statutes (2012) ("Section 366.093"), 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 included in the "Review of Coal Combustion Residual Storage and Disposal Process of the Florida Electric Industry" report (the "Report") prepared by the Florida Public Service Commission Office of Auditing and Performance Analysis, and information included in FPL's data responses that Staff reviewed in preparing the Report ("Confidential Data Responses"). In support of this request, FPL states as follows:

1. On December 2, 2011, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D ("December 2, 2011 Request"). By Order No. PSC-12-0037-CFO-EI, ("Order 0037"), the Commission granted FPL's December 2, 2011 Request. FPL adopts and incorporates by reference the December 2, 2011 Request and Order 0037.

2. The Confidential Information that was the subject of FPL's December 2, 2011 Request and Order 0037 consists of confidential business information and thus warrants continued treatment as proprietary within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its Request for Extension of Confidential Classification.

3. Included herewith and made a part hereof is First Revised Exhibit D, which consists of the affidavit of Scott E. Brown in support of this request. All of the information designated in Exhibit A, Exhibit B and Exhibit C to the December 2, 2011 Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached here.

4. The Confidential Information is intended to be and has been treated as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL, Georgia Power and their 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.

5. As the affidavit included in Exhibit D indicates, the Confidential Information in the Report and Confidential Data Responses is proprietary, confidential business information. The Report and Confidential Data Responses contain or constitute information related to FPL's and Georgia Power's competitive interests, the disclosure of which would impair FPL and/or Georgia Power's competitive businesses and their ability to contract for goods and services on favorable terms for the benefit of their customers. Specifically, this information relates to Georgia Power's costs, revenues, earnings and management of coal combustion residuals. In addition, some of the other information in the Confidential Data Responses relates to Georgia Power's safety and emergency procedures, which information is confidential because of its security significance. Furthermore, disclosure of the information could impair the competitive interests of the provider of the information. Such information is protected by Sections 366.093(3)(c), (d) and (e), Fla. Stat.

6. Nothing has changed since the Commission entered Order 0037 to render the Confidential Information public, such that continued confidential treatment would not be appropriate.

7. Thus, upon a finding by the Commission that the Confidential Information remains proprietary and confidential, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as the information no longer is 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 and affidavits 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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Assistant General Counsel - Regulatory  
Maria J. Moncada  
Principal Attorney  
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Juno Beach, FL 33408  
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Email: maria.moncada@fpl.com

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

**CERTIFICATE OF SERVICE**  
**Docket No. 110322-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing First Request for Confidential Classification was served by electronic mail this 13th day of August, 2013 to the following:

Rosanne Gervasi  
rgervasi@psc.state.fl.us  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, Florida 32399-0850

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

# **FIRST REVISED EXHIBIT D**

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STATE OF FLORIDA )  
PALM BEACH COUNTY ) **AFFIDAVIT OF SCOTT E. BROWN**

**BEFORE ME**, the undersigned authority, personally appeared Scott E. Brown who, being first duly sworn, deposes and says:

1. My name is Scott E. Brown. I am currently employed by Florida Power & Light Company ("FPL") as Production Manager, Scherer and St. Johns River Power Park in the Power Generation Division. My business address is 11201 New Berlin Road, Jacksonville, Florida, 32226. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C, and the documents that were included in Exhibit A to FPL's Request for Confidential Classification of Report and Data Requests Related to Staff's Review of Coal Combustion Residual Storage and Disposal Process of the Florida Electric Industry, for which I am identified on Exhibit C as the affiant. The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information contain or constitute information related to competitive interests, the disclosure of which would impair FPL and/or Georgia Power's competitive business interests and their ability to contract for goods and services on favorable terms for the benefit of their customers. Specifically, this information relates to Georgia Power's costs, revenues, earnings and management of coal combustion residuals. In addition, some of the other information in the Confidential Data Responses relates to Georgia Power's safety and emergency procedures, which information is confidential because of its security significance. Furthermore, disclosure of the information could impair the competitive interests of the provider of the information. Disclosure of this information would also place FPL and/or Georgia Power at a disadvantage when coupled with other information that is publicly available.

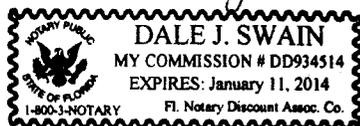
3. No significant changes have occurred since the issuance of Order No. PSC-12-0037-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of no less than eighteen months. These materials 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.

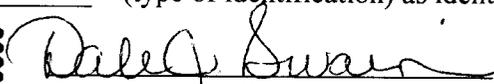
4. Affiant says nothing further.

  
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Scott E. Brown

**SWORN TO AND SUBSCRIBED** before me this 13<sup>th</sup> day of Aug, 2013 by Scott E. Brown, who is personally known to me or who has produced dxj (type of identification) as identification and who did take an oath.

My Commission Expires  
1/11/14



  
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Notary Public, State of Florida