

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost)
Recovery Clause)

Docket No. 20170009-EI
Filed: December 6, 2017

**FLORIDA POWER & LIGHT COMPANY'S
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF AUDIT CONTROL NO. 14-007-4-1 WORK PAPERS**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests continued confidential classification of Audit Control No. 14-007-4-1 Work Papers (the "Audit Work Papers"). In support of its request, FPL states as follows:

1. On January 8, 2016, in Docket No. 160009-EI, FPL filed its First Request for Extension of Confidential Classification of the Audit Work Papers (Confidential Document No. 03295-14 (cross reference no. 02781-14)). FPL's request was granted by Order No. PSC-16-0223-CFO-EI, issued June 6, 2016. The period of confidential treatment granted by Order No. PSC-16-0223-CFO-EI will soon expire. FPL has reviewed the confidential documents and determined that all the information that was the subject of Order No. PSC-16-0223-CFO-EI warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its Second Request for Extension of Confidential Classification. Exhibits A, B, and C¹ from FPL's June 25, 2014 filing are incorporated herein by reference. Included herewith is Second Revised Exhibit D, containing the declarations of Stephanie Castaneda and Antonio Maceo in support of FPL's request.

2. The information that was granted confidential treatment by Order No. PSC-16-0223-CFO-EI continues to be confidential business information within the meaning of Section

¹ As neither the declarants nor the identified confidential information is changing, a Revised Exhibit C is not warranted.

366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private in that the disclosure of the information would cause harm to customers or FPL's business operations, and its confidentiality has been maintained. Pursuant to Section 366.093, such information is entitled to confidential treatment and it 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.

3. As the declarations included in Second Revised Exhibit D indicate, the information included in Exhibit A continues to be proprietary, confidential business information. Certain information contained in the Audit Work Papers is information related to reports of FPL's internal auditors. This information is protected from public disclosure by Section 366.093(3)(b), Florida Statutes. The Audit Work Papers also contain information related to bids or contractual data, such as pricing or other terms, the public disclosure of which would violate nondisclosure provisions of FPL's contracts with certain vendors and impair FPL's ability to contract for goods or services on favorable terms in the future. Such information is protected from public disclosure by Section 366.093(3)(d), Florida Statutes. The Audit Work Papers also contain competitively sensitive information which, if disclosed, could impair the competitive interests of the provider of the information. Such information is protected from public disclosure by Section 366.093(3)(e), Florida Statutes. A few documents include competitively sensitive information related to certain employees' compensation. Public disclosure of compensation information would enable competing employers to meet or beat the compensation currently offered, resulting in the loss of talented employees, or conversely, the need to increase the level

of compensation already paid in order to retain these employees and attract new talent. The quality of service and the cost of service implications would be detrimental to FPL and its customers. Such information is also protected by Section 366.093(3)(e), Florida Statutes. Lastly, included on these documents are employee cellular phone numbers. This employee information is unrelated to compensation, duties, qualifications, or responsibilities and is therefore protected from public disclosure pursuant to Section 366.093(3)(f), Florida Statutes.

5. Nothing has changed since the issuance of Order No. PSC-16-0223-CFO-EI to render the confidential information stale or public, such that continued confidential treatment would not be appropriate. Moreover, this information will remain confidential for a period longer than the 18 months typically provided for confidential treatment, and it is anticipated that Staff will retain these documents for more than 18 months. Accordingly, FPL requests that confidential treatment be extended for a period of not less than five years. The Commission has previously granted similar requests for extended periods of confidential treatment. *See, e.g.,* Docket No. 140009-EI, Order No. PSC-14-0649-CFO-EI, p. 2 (issued Nov. 4, 2014).

6. Upon a finding by the Commission that the information referenced in Exhibit C continues to be proprietary confidential business information, the information should not be declassified for a period of at least an additional five years and should be returned to FPL as soon as the information 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 supported by the materials and declarations included herewith, Florida Power & Light Company respectfully requests that its Second Request for Extension of Confidential Classification be granted.

Respectfully submitted,

Kevin I.C. Donaldson
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5170
Facsimile: (561) 691-7135

By: s/ Kevin I.C. Donaldson
Kevin I.C. Donaldson
Fla. Bar No. 0833401

**CERTIFICATE OF SERVICE
DOCKET NO. 20170009-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing Second Request for Extension of Confidential Classification of Audit Control No. 14-007-4-1 Work Papers* was served by electronic mail this 6th day of December, 2017 to the following:

Kyesha Mapp, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
kmapp@psc.state.fl.us

J.R. Kelly, Esq.
Charles R. Rehwinkel, Esq.
Patricia A. Christensen, Esq.
Associate Public Counsel
Office of Public Counsel
The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
kelly.jr@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
christensen.patty@leg.state.fl.us
Attorney for the Citizens of the State of Fla.

Dianne M. Triplett, Esq.
299 First Avenue North
St. Petersburg, Florida 33701
dianne.triplett@duke-energy.com
Attorney for Duke Energy Florida, Inc.

Matthew Bernier, Esq., Sr. Counsel
106 East College Ave., Suite 800
Tallahassee, Florida 32301-7740
Matthew.bernier@duke-energy.com
Attorney for Duke Energy Florida, Inc.

James W. Brew, Esq.
Laura A. Wynn, Esq.
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, N.W.
8th Floor, West Tower
Washington, D.C. 20007
jbrew@bbrslaw.com
laura.wynn@bbrslaw.com
*Attorneys for White Springs Agricultural
Chemicals, Inc., d/b/a PCS Phosphate-White
Springs*

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Gardner Bist Bowden Bush Dee
LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308
Schef@gbwlegal.com
Jlavia@gbwlegal.com
Attorneys for the Florida Retail Federation

George Cavros, Esq.
120 E. Oakland Park Blvd., Suite 105
Fort Lauderdale, FL 33334
george@cavros-law.com
Attorney for Southern Alliance for Clean Energy

Victoria Méndez, City Attorney
Matthew Haber, Assistant City Attorney
City of Miami
444 Southwest 2nd Avenue
Miami, FL 33130
vmendez@miamigov.com
mshaber@miamigov.com
aidagarcia@miamigov.com (secondary email)
Attorneys for City of Miami

Jon C. Moyle, Jr., Esq.
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
*Attorney for Fla. Industrial Power Users
Group*

By: s/ Kevin I.C. Donaldson
Kevin I.C. Donaldson
Fla. Bar No. 00833401

*Exhibits are not included with the service copies, but Revised Exhibits C and D are available upon request.

SECOND REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost)
Recovery Clause)

DOCKET NO. 20170009-EI

STATE OF FLORIDA)
)

DECLARATION OF ANTONIO
MACEO

MIAMI-DADE COUNTY)

1. My name is Antonio Maceo. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Auditing. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed the documents that are the subject of FPL's Second Request for Extension of Confidential Classification of Audit 14-007-4-1 Work Papers, for which I am identified on Revised Exhibit C as the declarant. The documents that I have reviewed contain information related to reports of internal auditors. Full and frank disclosure of information to the Internal Auditing department is essential for the department to fulfill its role, and the confidential status of internal auditing scope, process, findings, and reports supports such disclosure. The release of information related to reports of internal auditors would be harmful to FPL and its customers because it may affect the effectiveness of the Internal Auditing department itself. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC-16-0223-CFO-EI to render the information identified in Revised Exhibit C stale or public such that continued confidential treatment would not be appropriate. Additionally, this information will continue to be confidential for more than the next 18 months. Accordingly, this information should continue to be maintained as confidential for an additional period of not less than five years. 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. 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.



Antonio Maceo

Date: 12/6/17

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost)
Recovery Clause)

DOCKET NO. 20170009-EI

STATE OF FLORIDA)
)

DECLARATION OF STEPHANIE
CASTANEDA

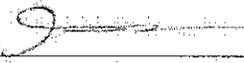
PALM BEACH COUNTY)

1. My name is Stephanie Castaneda. I am currently employed by Florida Power & Light Company ("FPL") as Nuclear Business Operations, Fleet Accounting and Regulatory Compliance. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed the documents that are the subject of FPL's Second Request for Extension of Confidential Classification of Audit 14-007-4-1 Work Papers, for which I am identified on Revised Exhibit C as the declarant. The documents that I have reviewed contain proprietary confidential business information, including contractual data and competitively sensitive data. Disclosure of this information would violate FPL's contracts with its vendors, work to the detriment of FPL's competitive interests, impair the competitive interests of its vendors and/or impair FPL's efforts to enter into contracts on commercially favorable terms. Additionally, certain of these materials contain competitively sensitive information related to certain employees' compensation. Public disclosure of compensation information for particular positions would enable competing employers to meet or beat the compensation offered by FPL, resulting in the loss of talented employees, or conversely, the need to increase the level of compensation already paid in order to retain these employees and attract new talent. The quality of service and the cost of service implications would be detrimental to FPL and its customers. Finally, these documents include employee cellular phone numbers, which FPL maintains as confidential. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. No significant changes have occurred since the issuance of Order No. PSC-16-0223-CFO-EI to render the information identified in Revised Exhibit C stale or public such that continued confidential treatment would not be appropriate. Additionally, this information will continue to be confidential for more than the next 18 months. Accordingly, this information should continue to be maintained as confidential for an additional period of not less than five years. 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. 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.



Stephanie Castaneda

Date:

12/10/2017