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May 11, 2018

### VIA HAND DELIVERY

Ms. Carlotta S. Stauffer
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 20160251-EI

REDACTED

Dear Ms. Stauffer:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification. The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. 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 for Confidential Classification.

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

Enclosure

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

AFD AREdaded only

ECO

ENG

GCL

IDM

### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light | Docket No. 160251-EI Company for Limited Proceeding for Recovery Incremental Storm Restoration Costs Filed: May 11, 2018 Related to Hurricane Matthew

### FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION

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 provided in the Staff of the Florida Public Service Commission's ("Staff") Comprehensive Exhibit List, Exhibit F, which contains FPL's confidential responses to the Office of Public Counsel's ("OPC") Third Set of Interrogatories Nos. 86 and 92. In support of this request, FPL states as follows:

- On February 1, 2018 OPC served its Third Set of Interrogatories Nos. 77-98 on 1. FPL. FPL filed a Motion for Temporary Protective Order for certain confidential information contained in FPL's Response Nos. 86, 92. Staff has requested from FPL that FPL's confidential information in these interrogatories be included in Staff's Comprehensive Exhibit List, Exhibit F, for the hearing scheduled on May 22-23, 2018. Accordingly, FPL files this Request for Confidential Classification for FPL Response Nos. 86, 92.
  - The following exhibits are included with and made a part of this request: 2.
- Exhibit A consists of a copy the confidential documents, on which all a. information that is entitled to confidential treatment under Florida law has been highlighted.
- Exhibit B consists of a copy of the confidential documents, on which all b. the information that is entitled to confidential treatment under Florida law has been redacted. For documents that are confidential in their entirety, FPL has included only identifying cover pages in Exhibit B.

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c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A by page and line and a brief description of the confidential information. Exhibit C also references the specific statutory bases for the claim of confidentiality and identifies the declarant who supports the requested classification.

. . . . .

- d. Exhibit D contains the declarations of David Bromley and Elizabeth Fuentes in support of this Request.
- 3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, 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.
- 4. As described more fully in the declaration included as Exhibit D, certain documents contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.
- 5. Also, certain information in these documents concern FPL's competitive interests, the disclosure of which would impair the competitive business of FPL and its vendors. This information is protected by Section 366.093(3)(e), Fla. Stat.

6. Lastly, certain information contains employee information unrelated to compensation, duties, qualifications or responsibilities. This information is protected by Section 366.093(3)(f), Fla. Stat.

7. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, 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 § 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 Request for Confidential Classification be granted.

Respectfully submitted this 11th day of May, 2018.

John T. Butler

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By:

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Florida Bar No. 0833401

### CERTIFICATE OF SERVICE

### Docket No. 20160251-EI

I HEREBY CERTIFY that a true and correct copy of FPL's Request for Confidential Classification\* has been furnished by electronic mail this <a href="https://linear.com/linear.co

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By: Kevin LC. Donaldson

<sup>\*</sup> 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 FILED UNDER SEPARATE COVER

### EXHIBIT B REDACTED COPIES

FPL's response to
OPC's 3rd Set of Interrogatories No.86
(Attachment No.1)
Bates No. FPL 030333
is confidential in its entirety

FPL's response to
OPC's 3rd Set of Interrogatories No.92
(Attachment No.1)
Bates Nos. FPL 030334-030335
are confidential in their entirety

FPL's response to
OPC's 3rd Set of Interrogatories No.92
(Attachment No.2)
Bates Nos. FPL 030336-030339
are confidential in their entirety

FPL's response to
OPC's 3rd Set of Interrogatories No.92
(Attachment No.3)
Bates Nos. FPL 030340-030341
are confidential in their entirety

FPL's response to
OPC's 3rd Set of Interrogatories No.92
(Attachment No.4)
Bates Nos. FPL 030342-030351
are confidential in their entirety

FPL's response to
OPC's 3rd Set of Interrogatories No.92
(Attachment No.5)
Bates Nos. FPL 030352-030368
are confidential in their entirety

FPL's response to
OPC's 3rd Set of Interrogatories No.92
(Attachment No.6)
Bates Nos. FPL 030369-030376
are confidential in their entirety

FPL's response to
OPC's 3rd Set of Interrogatories No.92
(Attachment No.7)
Bates Nos. FPL 030377-030417
are confidential in their entirety

FPL's response to
OPC's 3rd Set of Interrogatories No.92
(Attachment No.8)
Bates Nos. FPL 030418-030557
are confidential in their entirety

FPL's response to
OPC's 3rd Set of Interrogatories No.92
(Attachment No.9)
Bates Nos. FPL 030558-030705
are confidential in their entirety

FPL's response to
OPC's 3rd Set of Interrogatories No.92
(Attachment No.10)
Bates Nos. FPL 030706-030799
are confidential in their entirety

FPL's response to
OPC's 3rd Set of Interrogatories No.92
(Attachment No.11)
Bates Nos. FPL 030800-030952
are confidential in their entirety

# EXHIBIT C JUSTIFICATION TABLE

### **EXHIBIT C**

COMPANY:

Florida Power & Light Company List of Confidential Documents

TITLE: DOCKET NO:

20160251-EI

DOCKET TITLE:

Petition for Limited Proceeding for Recovery of Incremental Storm Restoration Costs Related to Hurricane Matthew by Florida Power & Light Company (Comprehensive Exhibit List Exhibit F)

DATE:

May 11, 2018

Description / Discovery Set	Item Nos.	Bates Number	Conf. Y/N	Line/ Column	Florida Statute 366.093(3) Subsection	Declarant
Staff's Comprehensive Exhibit List – Exhibit F (to OPC's Third Set of Interrogatories)	86 (Attachment No.1)	FPL 030333	Υ	ALL	(d), (e)	David Bromley
	92 (Attachment No.1)	FPL 030334-030335	Y			
	92 (Attachment No.2)	FPL 030336-030339	Y		(d), (e)	
	92 (Attachment No.3)	FPL 030340-030341	Υ		(d), (e)	
	92 (Attachment No.4)	FPL 030342-030351	Υ		(d), (e)	
	92 (Attachment No.5)	FPL 030352-030368	Υ		(d), (e)	
	92 (Attachment No.6)	FPL 030369-030376	200		(d), (e)	Elizabeth Fuentes
	92 (Attachment No.7)	FPL 030377-030417			(d), (e)	
	92 (Attachment No.8)	FPL 030418-030557 Y		(d), (e)		
	92 (Attachment No.9)	FPL 030558-030705	Y		(d), (e)	
	92 (Attachment No.10)	FPL 030706-030799	Y		(d), (e)	
	92 (Attachment No.11)	FPL 030800-030952	Y		(d), (e)	

## EXHIBIT D DECLARATIONS

#### EXHIBIT D

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited pr recovery of incremental storm res related to Hurricane Matthew by I & Light Company.	toration costs	Docket No: 20160251-EI
STATE OF FLORIDA	)	
COUNTY OF PALM BEACH	)	WRITTEN DECLARATION OF DAVID BROMLEY

- My name is David Bromley. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Regulatory Services. 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 Request for Confidential Classification filed this date, for which I am listed as the declarant on Exhibit C. The documents that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data. This information relates to competitive interests, the disclosure of which would impair the competitive business of FPL, its affiliates or its vendors. Specifically, the documents, testimony, and exhibits contains the names, rates, quantity, and invoices of our third-party contractors, lodging suppliers, and vendors along with specific prepayment provisions that were agreed upon exclusively with these contractors, vendors, and suppliers. Disclosure of this information could impair our contractor, vendor, and suppliers relationships, and negate the significant leverage these entities have during a storm event (in a seller's market) to secure critical construction, restoration, and logistical resources and availability necessary to perform storm restoration. It also impacts the efforts of FPL or its affiliates to contract for goods and services on favorable terms in the future, which in turn increases costs to FPL and its customers. To the best of my knowledge, FPL has maintained the confidentiality of this information.
- Consistent with the provisions of the Florida Administrative Code, such materials should 3. 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.
- 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.

David Bromley
Date: 5/9/18

#### EXHIBIT D

### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proc recovery of incremental storm restorelated to Hurricane Matthew by Flo & Light Company.	ration costs	
STATE OF FLORIDA	)	WRITTEN DECLARATION OF ELIZABETH FUEN
COUNTY OF PALM BEACH	3	WRITTEN DECLARATION OF ELIZABETH FOENTES

- 1. My name is Elizabeth Fuentes. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Regulatory Accounting. 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 Request for Confidential Classification filed this date, for which I am listed as the declarant on Exhibit C. The documents that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data. Disclosure of this information would impair the efforts of FPL to contract for goods or services on favorable terms. In addition, this information relates to competitive interests, the disclosure of which would impair the competitive business of FPL, its affiliates or its vendors. Additionally, other materials contain compensation information such as salary data, severance program accruals or other or information that would allow for the calculation of compensation for employees and employment positions. 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.
  - 3. To the best of my knowledge, FPL has maintained the confidentiality of this information.
- 4. 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.
- 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.

Elizabeth Fuentes

Date: 5/9/18