



Kenneth M. Rubin
Assistant General Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-2512
(561) 691-7135 (Facsimile)
E-mail: Ken.Rubin@fpl.com

June 13, 2019

VIA HAND DELIVERY

Mr. Adam Teitzman
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 20180049-EI

REDACTED

RECEIVED-FPSC
2019 JUN 13 PM 1:30
COMMISSION
CLERK

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification related to FPL's Second Errata to the Rebuttal Testimony of Witness Reagan. The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of a listing of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is a listing of all the confidential information contained in Exhibit A. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains the declaration in support of FPL's Request for Confidential Classification.

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

- COM _____
- AFD 1 Redacted version
- APA _____
- ECO _____
- ENG _____
- GCL _____
- IDM _____
- CLK _____

Sincerely,

Kenneth M. Rubin

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Evaluation of storm restoration costs
for Florida Power & Light Company related
to Hurricane Irma.

Docket No: 20180049-EI

Date: June 13, 2019

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

Pursuant to Section 366.093, Florida Statutes ("Fla. Stat."), and Rule 25-22.006, Florida Administrative Code ("F.A.C."), Florida Power & Light Company ("FPL") requests confidential classification of information included in the second errata sheet to the rebuttal testimony of FPL witness Ronald Reagan. In support of this request, FPL states as follows:

1. The rebuttal testimony and the second errata to the rebuttal testimony of FPL witness Ronald R. Reagan contain confidential information which is proprietary confidential business information that contains or constitutes contractual data, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods or services on favorable terms, and information related to competitive interests, the disclosure of which would impair the competitive business of FPL, its affiliates and its contractors, vendors and suppliers. Specifically, the document that is the subject of this Request for Confidential Classification ("RFCC") contains the rates for hurricane restoration services provided by one of FPL's contractors which was agreed upon exclusively with this contractor. The specific bases for this request are more fully described below and in the attachments to this RFCC.

2. The category of information for which FPL seeks confidential treatment has been the subject of prior requests for confidential treatment in this docket, either in the form of RFCCs or Motions for Temporary Protective Orders. As an example, on January 31, 2019, FPL filed an RFCC related to the testimony and exhibits of OPC witness Helmuth W. Schultz III filed in this docket. FPL's January 31, 2019 RFCC sought confidential treatment of some of the precise

information sought to be protected by this current RFCC, along with additional information related to the same subject matter, to wit: vendor rates and ranges of vendor rates, vendor contracts, and other information related to FPL's contractual relationships with vendors that provided restoration services and assistance following Hurricane Irma. On March 6, 2019, the Commission granted FPL's January 31, 2019 RFCC in Order No. PSC-2019-0089-CFO-EI. In short, the Commission has already determined that the contractor rates and ranges of rates included in OPC witness Schultz' direct testimony, which is precisely the same information included in the second errata to FPL witness Reagan's rebuttal testimony which is the subject of this RFCC, is entitled to confidential treatment. The second errata to the rebuttal testimony of FPL witness Reagan for which confidential treatment is sought in this current RFCC includes the rates charged by an FPL contractor that provided hurricane restoration services.

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

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

b. Exhibit B consists of a copy of the confidential material on which all information that FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A 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 support the requested classification.

d. Exhibit D contains the declaration of Ray Lozano in support of this RFCC.

4. FPL submits that the specifically identified information contained within the second errata to the rebuttal testimony of FPL witness Ronald Reagan, highlighted in Exhibit A, is proprietary confidential business information within the meaning of Section 366.093(3), Fla.

Stat. 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.

5. As described more fully in the declaration included as Exhibit D, the specifically identified information contained within the second errata to the rebuttal testimony of FPL witness Ronald Reagan contains information concerning contractor rates, the disclosure of which would impair the efforts of FPL or its affiliates to contract for goods and services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

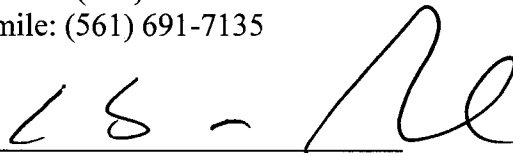
6. Also, the specifically identified information contained within the second errata to the rebuttal testimony of FPL witness Ronald Reagan contains information concerning FPL's competitive interests, the disclosure of which would impair the competitive business of FPL and its vendors. This information is protected by Section 366.093(3)(e), Fla. Stat.

7. 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* § 399.093(4), Fla. Stat.

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

Respectfully submitted this 13th day of June, 2019.

Kenneth M. Rubin
Assistant General Counsel
ken.rubin@fpl.com
Kevin I. C. Donaldson
Senior Attorney
Kevin.donaldson@fpl.com
Christopher T. Wright
Senior Attorney
Christopher.Wright@fpl.com
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5170
Facsimile: (561) 691-7135

By: 
Kenneth M. Rubin
Florida Bar No. 0349038

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing* has been furnished by electronic service on this 13th day of June 2019 to the following:

Suzanne S. Brownless, Esq.
Special Counsel
Ashley Weisenfeld, Esq.
Office of General Counsel
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
sbrownle@psc.state.fl.us
aweisenf@psc.state.fl.us
Florida Public Service Commission

J. R. Kelly, Esq.
Stephanie A. Morse, Esq.
Charles J. Rehwinkel, Esq.
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
kelly.jr@leg.state.fl.us
Morse.Stephanie@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
Office of Public Counsel

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Gardner, Bist, Bowden, Bush, Dee,
LaVia, & Wright, P.A.
1300 Thomaswood Drive.
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com
Florida Retail Federation

Jon C. Moyle, Jr., Esq.
Karen A. Putnal, Esq.
c/o Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
kputnal@moyle.com
Florida Industrial Power Users Group

By: _____


Kenneth M. Rubin

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Evaluation of storm restoration costs for
Florida Power & Light Company related to
Hurricane Irma

Docket No. 20180049-EI

Filed: June 13, 2019

SECOND ERRATA SHEET OF RONALD R. REAGAN

March 15, 2019-Rebuttal Testimony

<u>PAGE #</u>	<u>LINE #</u>	<u>CHANGE</u>
Page 11	1	Replace "██████" with "██████"
Page 12	5	Replace "All" with "13"
Page 19	8-9	Replace "14 or 93% of the vendors (comprising 99.7% of the total costs among this group) are union contractors" with "15 or 100% of the vendors (comprising 100% of the total costs among this group) are union contractors"

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Exhibits
DOCKET TITLE: Evaluation of storm restoration costs for Florida Power & Light Company related to Hurricane Irma.
DOCKET NO.: 20180049-EI
DATE: June 13, 2019

Description	No. of Pages	Conf Y/N	Line / Column	Florida Statute 366.093(3) Subsection	Declarant
Second Errata Sheet of Ronald R. Reagan	1	Y	Page 11, Line 1	(d), (e)	Ray Lozano

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Evaluation of storm restoration costs for
Florida Power & Light Company related to
Hurricane Irma.

Docket No: 20180049-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

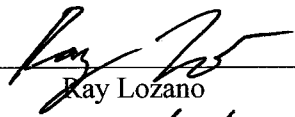
WRITTEN DECLARATION OF RAY LOZANO

1. My name is Ray Lozano. I am currently employed by Florida Power & Light Company (“FPL”) as Integrated Supply Chain Business Unit Strategy Manager, and I was similarly employed in that capacity prior to and during the time that Hurricane Irma impacted FPL’s service territory. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the document included in Exhibit A to FPL’s Request for Confidential Classification filed this date, for which I am listed as a declarant on Exhibit C. The document that I have reviewed, a portion of which is asserted by FPL to be proprietary confidential business information that contains or constitute contractual data and information, is related to competitive interests, the disclosure of which would impair the competitive business of FPL, its affiliates and its contractors, vendors and suppliers. Specifically, the document contains the rates of one of our third-party contractors which was agreed upon exclusively with the specific contractor. Disclosure of this information would impair FPL’s contractor, vendor, and supplier relationships, and impair or negate the commercial interests of FPL as FPL negotiates contracts and seeks to obtain contractors, vendors and suppliers to provide critical construction, restoration resources necessary to perform storm restoration. Disclosure of this information would also impair or negate the commercial interests of FPL’s contractors, vendors and suppliers as they negotiate with others for the services they provide. The disclosure of this information will also impact 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.

3. Consistent with the provisions of the Florida Administrative Code, this material should remain confidential for a period of eighteen (18) months. In addition, the document 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.



Ray Lozano
Date: 6/11/19