

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost)
Recovery Clause)

Docket No. 20190009-EI
Filed: December 6, 2019

**FLORIDA POWER & LIGHT COMPANY'S
THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF AUDIT PA-13-01-001 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 certain material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. PA-13-01-001 ("the Audit") and reflected in Staff's work papers. In support of its request, FPL states as follows:

1. On November 6, 2015, in Docket No. 150009-EI, FPL filed its First Request for Extension of Confidential Classification of the Audit work papers (Confidential Document No. 05293-13). FPL's request was granted by Order No. PSC-16-0237-CFO-EI, issued June 15, 2016.

2. On December 6, 2017, in Docket No. 20170009-EI, FPL filed its Second Request for Extension of Confidential Classification of the Audit work papers (Confidential Document No. 05293-13). FPL's request was granted by Order No. PSC-2018-0305-CFO-EI, issued June 8, 2018. The period of confidential treatment granted by Order No. PSC-2018-0305-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-2018-0305-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 Third Request for Extension of Confidential Classification. Exhibits A and B from FPL's September 6, 2013 filing are incorporated herein by reference. Included herewith are FPL's Third Revised Exhibits C and D.

3. FPL's Third Revised Exhibit C is a table containing the specific line, column and page references to the confidential information, and references to the specific statutory basis or bases for the claim of confidentiality and to the declaration in support of the continued confidential classification. FPL's Third Revised Exhibit C is revised only to identify a new affiant. Third Revised Exhibit D includes the declarations of Lisa Fuca and Antonio Maceo in support of FPL's request.

4. The information that was granted confidential treatment by Order No. PSC-2018-0305-CFO-EI continues to be 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 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.

5. As the declarations included in FPL's Third 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 internal auditors. This information is protected by Section 366.093(3)(b), Florida Statutes. The 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 work papers also include 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. Finally, certain information relates to FPL's Employee Concerns Program ("ECP"), the disclosure of which would affect FPL's competitive interests by impairing the effectiveness of the program itself. It also relates to employee personnel information unrelated to compensation, duties, qualifications, and responsibilities. Accordingly, the ECP information is protected from public disclosure by Sections 366.093(3)(e) and (f), Florida Statutes.

6. Nothing has changed since the issuance of Order No. PSC-2018-0305-CFO-EI to render the confidential information stale or public, such that continued confidential treatment would not be appropriate.

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

Respectfully submitted,

David M. Lee
Senior Attorney
Florida Power & Light Company

700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 691-7263
Facsimile: (561) 691-7135
david.lee@fpl.com

By: s/ David M. Lee
David M. Lee
Fla. Bar No. 103152

**CERTIFICATE OF SERVICE
DOCKET NO. 20190009-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing * was served by electronic mail this 6th day of December, 2019 to the following:

Kurt Schrader, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
kschrade@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/ David M. Lee
David M. Lee
Fla. Bar No. 103152

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

Third Revised Exhibit C
Company: Florida Power and Light Company
Title: Staff Audit Work Papers for Audit Report #PA-13-01-001
Docket No. 20190009-EI

Bold denotes revision to reduce the amount of confidential classification previously requested or a new declarant

Document	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Declarant
Staff Audit Work Papers	Review of Florida Power and Light Company's Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects	1-27,28-29, 33-34, 36-37,39-65, 67, 78-84, 87, 89-125, 127-128, 132-148, 152-159, 162-164, 170,173-174, 178-179, 181-183, 185, 187, 189-190, 192-195, 197-227, 232-236, 241-244, 246, 248-261, 264-288, 291-297, 299, 303, 309-311, 316-321,323-326, 332, 334	N			
	DR 2 EPU	Pgs. 27, 66	Y	Lines 1-6	(e)(f)	Lisa Fuca
	DR 3 EPU	Pgs. 30, 68, 71, 75	Y	Lines 1-8	(d)(e)	Lisa Fuca
		Pgs. 31, 69, 72, 76	Y	Lines 1-8	(d)(e)	Lisa Fuca
		Pgs. 32, 70, 73, 74, 77	Y	Lines 9-15 Lines 1-21	(b) (b)	Antonio Maceo Antonio Maceo
	DR 5 EPU	Pg. 35	Y	Lines 1-2	(d)(e)	Lisa Fuca
				Line 3	(b)	Antonio Maceo
	DR 6 EPU	Pgs. 38, 85, 86, 88	Y	Line 1	(e)	Lisa Fuca
	DOCUMENT SUMMARIES AND CONTROL LOGS DRs 1.1 - 1.23 EPU	Pgs. 126, 129	Y	Line 1	(e)	Lisa Fuca
		Pg. 130	Y	Lines 1-3	(e)	Lisa Fuca
		Pg. 131	Y	Lines 1-8	(d)(e)	Lisa Fuca
		Pg. 149	Y	Lines 1-3	(b)	Antonio Maceo
		Pg. 150	Y	Lines 1-25	(b)	Antonio Maceo
		Pg. 151	Y	Lines 1-33	(b)	Antonio Maceo

Document	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Declarant
		Pg. 160	Y	Lines 1-3	(d)(e)	Lisa Fuca
		Pg. 161	Y	Lines 1-14	(d)(e)	Lisa Fuca
	DOCUMENT SUMMARIES AND CONTROL LOGS DRs 2.1 – 2.12 EPU	Pg. 165 Pg. 166 Pg. 167 Pgs. 168, 169	Y Y Y Y	Lines 1-11 Lines 1-15 Lines 1-4 Line 1	(e)(f) (e)(f) (e)(f) (e)(f)	Lisa Fuca
	DOCUMENT SUMMARIES AND CONTROL LOGS DRs 3.1 – 3.13 EPU	Pg. 171 Pg. 172 Pg. 175 Pg. 176 Pg. 177	Y Y Y Y Y	Lines 1-13 Lines 1-16 Lines 1-18 Lines 1-21 Lines 1-8	(d)(e) (d)(e) (b) (b) (b)	Lisa Fuca Lisa Fuca Antonio Maceo Antonio Maceo Antonio Maceo
	DOCUMENT SUMMARIES AND CONTROL LOGS DRs 5.1 – 5.13 EPU	Pg. 180 Pg. 184	Y Y	Lines 1-9 Lines 1-10	(d)(e) (b)	Lisa Fuca Antonio Maceo
	DOCUMENT SUMMARIES AND CONTROL LOGS DRs 6.1 – 6.7 EPU	Pg. 186 Pg. 188 Pg. 191 Pg. 196	Y Y Y Y	Lines 1-2 Line 1 Line 1 Lines 1-2	(d)(e) (e) (d)(e) (d)(e)	Lisa Fuca
	DOCUMENT SUMMARIES AND CONTROL LOGS DRs 1.1 – 1.68 PTN 6&7	Pg. 228 Pg. 229 Pg. 230 Pg. 231	Y Y Y Y	Lines 1-2 Lines 1-7 Lines 1-6 Lines 1-3	(d)(e) (d)(e) (d)(e) (d)(e)	Lisa Fuca
	DOCUMENT SUMMARIES AND CONTROL LOGS DRs 2.1 – 2.8 PTN 6&7	Pg. 237 Pg. 238 Pg. 239 Pg. 240	Y Y Y Y	Lines 1-6 Lines 1-8 Lines 1-11 Lines 1-3	(d)(e) (d)(e) (d)(e) (d)(e)	Lisa Fuca
	DOCUMENT SUMMARIES AND CONTROL	Pg. 245 Pg. 247	Y Y	Lines 1-2 Line 1	(d)(e) (d)(e)	Lisa Fuca

Document	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093 (3) Subsection	Declarant
	LOGS DRS 3.1 – 3.12 PTN 6&7					
	WORK PLAN EPU	Pg. 262	Y	Lines 1-10	(d)(e)	Lisa Fuca
		Pg. 263	Y	Lines 1-5	(d)(e)	
	INTERVIEW SCHEDULE	Pg. 289	Y	Lines 1-4	(d)(e)	Lisa Fuca
		Pg. 290	Y	Lines 1-13	(b)	Antonio Maceo
	INTERVIEW SUMMARIES	Pg. 298	Y	Lines 1-4	(b)	Antonio Maceo
		Pg. 300	Y	Lines 1-3	(d)(e)	Lisa Fuca
		Pgs. 301, 302	Y	Line 1	(d)(e)	Lisa Fuca
		Pg. 304	Y	Lines 1-33	(b)	Antonio Maceo
		Pg. 305	Y	Lines 1-5	(b)	Antonio Maceo
		Pg. 306	Y	Lines 1-3	(e)(f)	Lisa Fuca
		Pg. 307	Y	Lines 1-3	(d)(e)	Lisa Fuca
		Pg. 308	Y	Lines 1-4	(d)(e)	Lisa Fuca
	ANALYSIS AND SAMPLING	Pgs. 312, 327	Y	Lines 1-21	(d)(e)	Lisa Fuca
		Pgs. 313, 328	Y	Lines 1-10	(d)(e)	
		Pgs. 314, 329	Y	Lines 1-11	(d)(e)	
		Pgs. 315, 330	Y	Lines 1-8	(d)(e)	
		Pg. 322	Y	Lines 1-14	(d)(e)	
		Pg. 331	Y	Lines 1-7	d)(e)	
		Pg. 333	Y	Lines 1-5	(d)(e)	

THIRD REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

Docket No: 20190009-EI

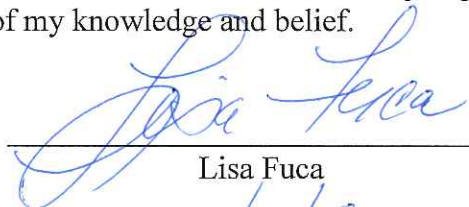
DECLARATION OF LISA FUCA

1. My name is Lisa Fuca. I am currently employed by Florida Power & Light Company ("FPL") as Principal Business Analyst, Nuclear Business Operations. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Third Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. PA-13-01-001 work papers for which I am identified as the declarant. The documents and materials that I have reviewed contain proprietary confidential business information, including information concerning bids or 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. 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-2018-0305-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, the information 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.

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.



Lisa Fuca
Date: 11/13/19

THIRD REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

Docket No: 20190009-EI

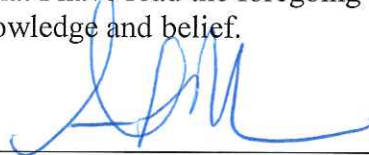
DECLARATION OF ANTONIO MACEO

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

2. I have reviewed the documents referenced and incorporated in FPL's Third Request for Extension of Confidential Classification of Information Obtained in Connection with Audit No. PA-13-01-001 work papers for which I am identified 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-2018-0305-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, the information 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.

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: _____

11/13/19