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November 30, 2020

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

REDACTED

**Re: Docket No. 20200172-EI
Florida Power & Light Company's Request for Confidential Classification of
Information Provided in Its Responses to the Office of Public Counsel's
Second Request for Productions of Documents.**

Dear Mr. Teitzman:

I enclose for filing in the above referenced docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information Provided in Response to the Office of Public Counsel's Second Request for Production of Documents, Response Nos. 32, 33 and 34. The enclosed filing includes Exhibits A, B, C and D.

The enclosed filing includes Exhibits A, B, C, and D. Exhibit A consists of the confidential documents, some of which are provided on discs, and FPL asserts that all the information contained therein is entitled to confidential treatment. Exhibit B is an edited version of Exhibit A, consisting of an identifying cover page. Exhibit C is a justification table in support of FPL's Request for Confidential Classification. Exhibit D contains declarations in support of FPL's filing.

Please contact me if you or your Staff has any questions regarding this filing at (561) 691-7255 or joel.baker@fpl.com.

COM _____
AFD 1 Exh B
APA _____
ECO _____
ENG _____
GCL _____
IDM _____
CLK _____

Sincerely,

s/Joel T. Baker
Joel T. Baker
Florida Bar No. 108202

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COMMISSION
CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for evaluation of Hurricane
Dorian storm costs, by Florida Power & Light
Company.

Docket No: 20200172-EI

Date: November 30, 2020

**FLORIDA POWER & LIGHT COMPANY'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
PROVIDED IN RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S SECOND
SET OF INTERROGATORIES (Nos. 38-43, and 46) AND SECOND REQUEST
FOR PRODUCTION OF DOCUMENTS (Nos. 32- 34)**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code ("Rule 25-22.006"), Florida Power & Light Company ("FPL") hereby files its Request for Confidential Classification and requests confidential treatment of certain documents provided in its responses to the Office of Public Counsel's ("OPC") Second Set Interrogatories, Nos. 38-43 and 46, and Second Request for Production of Documents, Nos. 32- 34 ("Confidential Documents"). In support of this request, FPL states as follows:

1. FPL served its responses to OPC's Second Set of Interrogatories and Second Request for Production of Documents (including the Confidential Documents) on November 30, 2020. This request is being filed contemporaneously with service of those responses in order to request confidential classification of certain information contained in its responses to OPC's Second Set of Interrogatories, Nos. 38-43 and 46, and Second Request for Production of Documents, Nos. 32, 33, and 34, consistent with Rule 25-22.006.

2. The following exhibits are attached to and made a part of this request:

- a. Exhibit A consists of a copy of the Confidential Documents, some of which are provided in electronic format on CDs. The information that FPL asserts is entitled to confidential treatment is highlighted; or, for confidential documents that are being provided in electronic format and are voluminous,

and therefore cannot be readily highlighted, FPL has not highlighted the entirety of the information but has instead added a confidential label.

- b. Exhibit B consists an edited version of the Confidential Documents wherein the information FPL asserts is entitled to confidential treatment has been redacted. For documents that are voluminous and entitled to confidential treatment in their entirety, a summary page identifying the documents has been added.
- c. Exhibit C is a table that identifies the information designated as confidential in Exhibit A and references the specific statutory bases for the claim of confidentiality and identifies the Declarant who supports the requested classification.
- d. Exhibit D consists of the declarations of Sharon Diaram, Clare Gerard and Thomas Allain, in support of this Request.

3. FPL submits that the highlighted information in Exhibit A is proprietary and confidential business information, and its disclosure would cause harm to FPL and its 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.

4. As described in the declarations in Exhibit D, the confidential business information includes: information relating to bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable

terms. This information is protected by Section 366.093(3)(d), Florida Statutes. The confidential business information further includes: information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. This information is protected by Section 366.093(3)(e), Florida Statutes.

5. Upon a finding by the Commission that the Confidential Documents are proprietary and confidential business information, the information should not be declassified for at least eighteen (18) months and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Florida Statutes.

6. **WHEREFORE**, for the above and foregoing reasons, as more fully set forth in the supporting materials, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted. Additionally, FPL respectfully requests that the Commission, the Office of Public Counsel, and any other party subject to the public records law treat the materials as confidential pending a formal ruling by the Commission or the return of the materials, consistent with Section 366.093(2), Florida Statutes.

Respectfully submitted this 30th day of November 2020.

Joel Baker
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
Phone: 561-691-7255
Fax: 561-691-7135
Email: joel.baker@fpl.com

By: s/ Joel T. Baker
Joel T. Baker
Florida Bar No. 0108202

CERTIFICATE OF SERVICE
Docket No. 20200172-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic mail this 30th day of November 2020 to the following:

Public Service Commission
Office of General Counsel
Jennifer Crawford
Shaw Stiller
Suzanne Brownless
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
jcrowfor@psc.state.fl.us
sstiller@psc.state.fl.us
sbrownle@psc.state.fl.us

J.R. Kelly
Patricia A. Christensen
Anastacia Pirrello
Office of Public Counsel
111 W. Madison Street, Room 812
Tallahassee, Florida 32399
Kelly.jr@leg.state.fl.us
Christensen.patty@leg.state.fl.us
Pirrello.anastacia@leg.state.fl.us

s/ Joel T. Baker

Joel T. Baker

EXHIBIT B
REDACTED
DOCUMENTS
EXHIBITS ON DISK ARE
CONFIDENTIAL IN
THEIR ENTIREITY

1
2
3
4
5
6
7 QUESTION:

8 Mutual Assistance - Refer to the attachment response to OPC INT 1-18 which provides invoice
9 details for 7 different mutual assistance companies for which costs were charged to FPL. For each
10 separate company identified in that response, please indicate whether that company actually
11 traveled all the way to their FPL territory destination and performed restoration work or whether
12 they were turned around prior to arrival.
13
14

15 RESPONSE:

16 Decisions to secure assistance for storm restoration events must be made in a timely manner, with
17 the best information available at the time. Key factors in these decisions are the weather forecasts
18 of the National Hurricane Center (NHC), which typically carry a high degree of uncertainty, and
19 always are subject to change. But, in addition to the forecasted size, track, and intensity of a
20 particular storm, procurement decisions also are made in consideration of several factors, including
21 but not limited to cost, safety risks, and potential hardships caused by extended power restoration
22 efforts. These decisions are made on the best information available at the time.
23

24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]
29 [REDACTED]
30 [REDACTED]
31 [REDACTED]
32 [REDACTED]
33 [REDACTED]
34 [REDACTED]
35 [REDACTED]
36 [REDACTED]
37 [REDACTED]

38 The forecasted timing of Hurricane Dorian's impact on FPL's service territory was delayed as the
39 storm stalled in its path. Crews that had already arrived in FPL's territory would have engaged in
40 preparations such as safety briefings, familiarization with FPL design standards, gathering of
41 materials, etc., but might not have actually engaged in storm restoration work before being
42 released.
43

44 Refer to confidential document "MU Travel – Dorian [Confidential]" that was included as part of
45 FPL's amended response OPC's 1st Set of PODs, No. 26 (filed on October 30, 2020) for travel
46 information for these mutual assistance companies.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 20200172-EI
DOCKET TITLE: Petition for evaluation of Hurricane Dorian storm costs, by Florida Power & Light Company
SUBJECT: FPL's Responses to OPC's Second Set of Interrogatories, Nos. 38-43 and 46, and Second Request for Production of Documents, Nos. 32-34
DATE: November 30, 2020

Set	Bates Number Start	Bates Number End	Description	Line No. / Col. No.	Florida Statute 3.66.093(3) Subsection	Declarant
OPC's 2 nd POD, No. 32	[031540]	[031542]	Hydaker Wheatlake Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031543]	[031545]	Groves Construction Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031546]	[031547]	Valiant Power Group Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031548]	[031552]	JW Didado Construction Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031553]	[031571]	Great Southwestern Construction Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031572]	[031575]	Wampole Miller Brothers Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031576]	[031639]	Lewis Tree Service (embedded) Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031640]	[031705]	Lewis Tree Service (non-embedded) Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031706]	[031715]	Xylem documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031716]	[031781]	Penn Live Service Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031782]	[031845]	Halter Tree Service Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031846]	[031927]	Robert Henry Documents	All	(d) (e)	Sharon Diaram

OPC's 2 nd POD, No. 32	[031928]	[031993]	Northeast Service Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031994]	[031996]	Henkles and McCoy Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[031997]	[032003]	Infratech Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[032004]	[032005]	Mohawk Electric Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[032006]	[032010]	SPE Utility Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 32	[032011]	[032012]	JCR Construction Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 33	[032013]	[032023]	Trees, Inc. Excel Document	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 34	[002834]	[002903]	Davey Tree Experts Documents	All	(d) (e)	Sharon Diaram
OPC's 2 nd POD, No. 34	[000791]	[000872]	MP Systems Documents	All	(d) (e)	Sharon Diaram
OPC 2 nd INT No. 38	N/A	N/A	Information Concerning Vendor Travel Information	Lines 24-36	(d) (e)	Thomas Allain
OPC 2 nd INT No. 39	N/A	N/A	Information Concerning Mutual Assistance Company Invoice	All	(d) (e)	Thomas Allain
OPC 2 nd INT No. 40	N/A	N/A	Information Concerning Mutual Assistance Company Invoice	All	(d) (e)	Thomas Allain
OPC 2 nd INT No. 41	N/A	N/A	Information Concerning Vendor Billing	All	(d) (e)	Clare Gerard
OPC 2 nd INT No. 42	N/A	N/A	Information Concerning Vendor Mobilization Hours	All	(d) (e)	Clare Gerard
OPC 2 nd INT No. 43	N/A	N/A	Information Concerning Vendor Billing	All	(d) (e)	Clare Gerard
OPC 2 nd INT No. 46	N/A	N/A	Information Concerning Vendor Billing	All	(d) (e)	Clare Gerard

EXHIBIT D
DECLARATIONS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for evaluation of Hurricane
Dorian storm costs, by Florida Power & Light
Company.

Docket No: 20200172-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH) WRITTEN DECLARATION OF SHARON DIARAM

1. My name is Sharon Diaram. I am currently employed by Florida Power & Light Company (“FPL”) as a Sourcing Manager, Compliance. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A FPL's Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute 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. Additionally, the documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. 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.

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.



Digitally signed by Sharon Diaram
Date: 2020.11.20 11:23:28 -05'00'

Sharon Diaram

Date: November 30, 2020

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for evaluation of Hurricane
Dorian storm costs, by Florida Power & Light
Company.

Docket No: 20200172-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH) WRITTEN DECLARATION OF THOMAS ALLAIN

1. My name is Thomas Allain. I am currently employed by Florida Power & Light Company (“FPL”) as Director of Compliance and Regulatory, Power Delivery. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A FPL’s Request for Confidential Classification, for which I am listed as the declarant on Exhibit C. The documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute 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. Additionally, the documents and files that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. 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.

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.

Thomas Allain

Thomas Allain

Date: __November 30, 2020____

