

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 28, 2021
TO: Division of Accounting and Finance, Office of Primary Responsibility
FROM: OFFICE OF COMMISSION CLERK
RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NOS: 20210015-EI DOCUMENT NO: **08318-2021**

DESCRIPTION: FPL (Moncada) - (CONFIDENTIAL) Certain information provided in response to FL Rising, LULAC, and ECOSWF's 3rd request for PODs (No. 25).

SOURCE: Florida Power & Light

The above confidential material was filed along with a **request for confidential classification**. Please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning 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;
 - (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information;
 - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by JR Bump on 8/5/2021 a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.

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-M-E-M-O-R-A-N-D-U-M-

DATE: August 5, 2021

TO: Suzanne S. Brownless, Special Counsel, Office of the General Counsel

FROM: Dale R. Buys, Public Utilities Supervisor, Division of Accounting & Finance 

RE: Staff recommendation on confidentiality of certain information provided in FPL's response to FL Rising, LULAC, and ECOSWF's 3rd request for PODs (No. 25).

DOCKET NO: 20210015-EI DOCUMENT NO: 08318-2021

SOURCE: Florida Power & Light

On July 26, 2021, Florida Power & Light (FPL) filed a request for confidential classification pursuant to Section 366.093(3)(e) of the Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C), for information contained in FPL's response to Florida Rising's, League Of United Latin American Citizens', and Environmental Confederation Of Southwest Florida's Third Request for Production of Documents, No. 25.

FPL claims the confidential information is intended to be and has been treated by FPL as private, its confidentiality has been maintained, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, F. S., such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. FPL also claims that the confidential information consists of proprietary confidential business information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the confidential information includes: rating agency reports; data provided by a third-party vendor which is proprietary to the vendor; financial forecasts and projected interest rates available only by paid subscription, and therefore, the information is protected by Section 366.093(3)(e), F.S.

Staff reviewed the documents and information included in the discovery response and concurs with FPL that the information is available only to subscribers of the third party vendors' products and not available to the general public. In staff's opinion, FPL's request meets the criteria for confidentiality set forth in Section 366.093(3)(e), F.S. Therefore, staff recommends that FPL's request for confidential classification of the information contained in Document No. 08318-2021 be approved.