



Maria Jose Moncada
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5795
(561) 691-7135 (Facsimile)
Email : maria.moncada@fpl.com

August 9, 2021

VIA HAND DELIVERY

Mr. Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

REDACTED

RECEIVED-FPSC
2021 AUG -9 PM 3:29
COMMISSION
CLERK

Re: Docket No. 20210015-EI

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information contained in its response to Office of Public Counsel's ("OPC") Twentieth Set of Interrogatories No. 291. The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the documents containing confidential information. Exhibit A is submitted for filing in an envelope marked "EXHIBIT A" – CONFIDENTIAL. 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. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Request for Confidential Classification.

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

Sincerely,

s/ Maria Jose Moncada
Maria Jose Moncada

Enclosure

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

AFD 1 Exh B

APA _____

ECO _____

ENG _____

GCL _____

IDM _____

CLK _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light
Company for Rate Unification and for Base
Rate Increase

Docket No. 20210015-EI

Filed: August 9, 2021

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF CERTAIN INFORMATION PROVIDED IN ITS
RESPONSES TO OPC'S TWENTIETH SET OF INTERROGATORIES, No. 291**

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 its responses to Office of Public Counsel's ("OPC") Twentieth Set of Interrogatories, No. 291 (the "Confidential Information"). In support of its Request, FPL states as follows:

1. FPL served responses to OPC's Twentieth Set of Interrogatories, No. 291, on August 9, 2021. This request is being filed contemporaneously with service of those responses to request confidential classification of certain information contained in its response to OPC's Twentieth Set of Interrogatories No. 291, consistent with Rule 25-22.006, Florida Administrative Code.
2. 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 the information that FPL asserts is entitled to confidential treatment has been highlighted.
 - b. Exhibit B consists of a copy of the confidential documents, on which all the information that is entitled to confidential treatment under Florida law has been redacted.
 - c. Exhibit C is a table that identifies by column and line the information for which confidential treatment is being sought and references the specific statutory basis for the

claim of confidentiality. Exhibit C also identifies the declarants who support the requested classification.

d. Exhibit D contains the declarations of the individuals who support the requested classification.

3. 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, Fla. Stat., 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 included as Exhibit D, the Confidential Information contains information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the information contains employee compensation information which, if made public, could make it more difficult for FPL to hire and retain talented employees. This information is protected by Section 366.093(3)(e), Fla. Stat.

5. 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, as more fully set forth in the supporting materials and declarations included herewith, FPL respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,

FLORIDA POWER & LIGHT COMPANY

By: /s/ Maria Jose Moncada

R. Wade Litchfield
Vice President and General Counsel
Authorized House Counsel No. 0062190
wade.litchfield@fpl.com

John T. Burnett
Vice President and Deputy General Counsel
Florida Bar No. 173304
john.t.burnett@fpl.com

Russell Badders
Vice President and Associate General Counsel
Florida Bar No. 007455
russell.badders@nexteraenergy.com

Maria Jose Moncada
Senior Attorney
Florida Bar No. 0773301
maria.moncada@fpl.com

Christopher T. Wright
Senior Attorney
Authorized House Counsel No. 1007055
christopher.wright@fpl.com

Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 691-7101
(561) 691-7135 (fax)

CERTIFICATE OF SERVICE
20210015-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing* has been furnished by electronic mail this 9th day of August 2021 to the following parties:

Suzanne Brownless
Bianca Lherisson
Shaw Stiller
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
sbrownle@psc.state.fl.us
blheriss@psc.state.fl.us
sstiller@psc.state.fl.us

Office of Public Counsel
Richard Gentry
Patricia A. Christensen
Anastacia Pirrello
c/o The Florida Legislature
111 W. Madison St., Rm 812
Tallahassee FL 32399-1400
gentry.richard@leg.state.fl.us
christensen.patty@leg.state.fl.us
pirrello.anastacia@leg.state.fl.us
**Attorneys for the Citizens
of the State of Florida**

James W. Brew
Laura Wynn Baker
Joseph R. Briscar
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson St, NW
Suite 800 West
Washington, D.C. 20007
jbrew@smxblaw.com
lwb@smxblaw.com
jrb@smxblaw.com
Attorneys for Florida Retail Federation

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
mqualls@moylelaw.com
**Attorneys for Florida Industrial Power Users
Group**

Barry A. Naum
SPILMAN THOMAS & BATTLE, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
bnaum@spilmanlaw.com
Attorney for Walmart

Stephanie U. Eaton
SPILMAN THOMAS & BATTLE, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com
Attorney for Walmart

George Cavros
Southern Alliance for Clean Energy
120 E. Oakland Park Blvd., Suite 105
Fort Lauderdale, Florida 33334
george@cavros-law.com
**Attorney for Southern Alliance for Clean
Energy**

Nathan A. Skop, Esq.
420 NW 50th Blvd.
Gainesville, FL 32607
n skop@hotmail.com
Attorney for Mr. & Mrs. Daniel R. Larson

Katie Chiles Ottenweller
Southeast Director
Vote Solar
838 Barton Woods Road
Atlanta, GA 30307
katie@votesolar.org
Attorney for Vote Solar

Thomas A. Jernigan, GS-13, DAF
AFIMSC/JA
Holly L. Buchanan, Maj, USAF AF/JAOE-
ULFSC
Robert J. Friedman, Capt., USAF
Arnold Braxton, TSgt, USAF
Ebony M. Payton
Scott L. Kirk, Maj, USAF
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
ULFSC.Tyndall@us.af.mil
thomas.jernigan.3@us.af.mil
Holly.buchanan.1@us.af.mil
robert.friedman.5@us.af.mil
arnold.braxton@us.af.mil
ebony.payton.ctr@us.af.mil
scott.kirk.2@us.af.mil
Attorneys for Federal Executive Agencies

Floyd R. Self, B.C.S.
Berger Singerman, LLP
313 North Monroe Street, Suite 301
Tallahassee, FL 32301
fself@bergersingerman.com

T. Scott Thompson, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky and
Popeo, P.C.
555 12th Street NW, Suite 1100
Washington, DC 20004
SThompson@mintz.com
**Attorneys for Florida Internet and
Television Association, Inc.**

William C. Garner
Law Office of William C. Garner, PLLC
3425 Bannerman Road
Unit 105, #414
Tallahassee, FL 32312
bgarner@wcglawoffice.com
Attorney for The CLEO Institute Inc.

Bradley Marshall
Jordan Luebke
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, Florida 32301
bmarshall@earthjustice.org
jluebke@earthjustice.org

Christina I. Reichert
Earthjustice
4500 Biscayne Blvd., Ste. 201
Miami, FL 33137
creichert@earthjustice.org
flcaseupdates@earthjustice.org
**Attorneys for Florida Rising, Inc.
League of United Latin American Citizens of
Florida
Environmental Confederation of Southwest
Florida, Inc.**

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Bowden, Dee, LaVia, Wright &
Perry, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com
**Attorneys for Floridians Against Increased
Rates, Inc.**

By: s/ Maria Jose Moncada
Maria Jose Moncada
Florida Bar No. 0773301

* 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 B

REDACTED

QUESTION:

Refer to Ms. Slattery's rebuttal testimony at pages 8-9.

- a. Are the costs that FPL records as O&M expense that are associated with the employee incentive program related to FPL large commercial customer turnkey services by FPL project developers, engineers and project managers to commercial end-use customers under this program charged directly to the specific FPL commercial customers for whom the projects are developed? If not, explain fully why not. If so, explain how that is done.
- b. Does FPL receive revenue or fees from the specific commercial customers for whom such projects are developed? Also, please identify the amount of projected 2022 and 2023 revenue for project development fees that FPL expects from the large commercial customers for whom such projects would be developed.
- c. For 2020 show (1) the amount of incentive compensation that FPL recorded as O&M expense under this program and (2) the amount of revenue and fees that FPL received for the specific projects that FPL developed in 2020 for the commercial customers for whom such projects were developed.
- d. Are any of the costs that FPL would record as O&M expense that are associated with this employee incentive program for the amounts that FPL projects for 2022 and 2023 proposed by FPL to be recovered from FPL's general body of ratepayers, including residential customers?
- e. When FPL employees design the specific customer projects, are the related FPL incentive compensation costs under this program charged to the project costs? If not, explain fully why not. If so, provide illustrative examples from 2020 showing how the incentive program costs are charged by FPL to specific customer programs to which these incentive compensation awards relate.
- f. Identify the related amounts for 2022 and 2023 O&M expense for this program that FPL has proposed to recover generally from customers who are not the specific commercial customers for whom the projects covered by this incentive program would be developed.

RESPONSE:

- a. No. The costs are not charged directly to the customer as this O&M expense is treated as selling and general administrative expense.
- b. Yes. FPL receives revenue from the specific commercial customers for developed projects as specified in the contract. The revenues projected are [REDACTED] and [REDACTED] for 2022 and 2023 respectively.

- c. For 2020, the incentive compensation that FPL recorded was [REDACTED]. For 2020, [REDACTED] in revenue was recorded by FPL for the projects that FPL developed.
- d. The costs associated with this employee incentive program are included in O&M and recovered in rates; however, the related commercial project revenues exceed the overall project expenses (which include this incentive program). Therefore, the overall program provides a benefit to ratepayers.
- e. No. The employee incentive costs related to these commercial projects are included in O&M expense; specifically, they are treated as selling, general and administrative costs. However, the revenues associated with these commercial projects exceed the overall project expenses, which provides a benefit to ratepayers.
- f. The related forecasted amounts for employee incentive referred to in Witness Slattery's rebuttal testimony are [REDACTED] for 2022 and [REDACTED] for 2023.

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: Petition by Florida Power & Light Company for Base Rate Increase and Rate Unification Company
DOCKET NO.: 20210015-EI
DATE: August 9, 2021

Int/POD No.	Begin Bates Number	End Bates Number	Description	Confidential	Line/Col	Florida Statute 366.093 (3) Subsection	Declarant
OPC 20 th INT, No. 291	070611	070611	FPL Response to OPC 20 th INT 291, Part a	N	All	N/A	N/A
OPC 20 th INT, No. 291	070611	070611	FPL Response to OPC 20 th INT 291, Part b	Y	2/A, 2/B	(e)	Kathleen Slattery
OPC 20 th INT, No. 291	070612	070612	FPL Response to OPC 20 th INT 291, Part c	Y	1/C, 1/D	(e)	Kathleen Slattery
OPC 20 th INT, No. 291	070612	070612	FPL Response to OPC 20 th INT 291, Parts d and e	N	All	N/A	N/A
OPC 20 th INT, No. 291	070612	070612	FPL Response to OPC 20 th INT 291, Part f	Y	4/A, 4/B	(e)	Kathleen Slattery

EXHIBIT D

DECLARATIONS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light Company
for Rate Unification and for Base Rate Increase

Docket No: 20210015-EI

DECLARATION OF KATHLEEN SLATTERY

1. My name is Kathleen Slattery. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director, Executive Services and Compensation. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Request for Confidential Classification, specifically the materials provided in response to OPC's Twentieth Set of Interrogatories No. 291. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain competitive business information the disclosure of which would impair the competitive business of FPL. Specifically, the information contains employee compensation information which, if made public, could make it more difficult for FPL to hire and retain talented employees. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Consistent with the provisions of the Florida Administrative Code, such materials 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.



Kathleen Slattery

Date: 8/4/2021