



**REDACTED**

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June 14, 2018

**VIA HAND DELIVERY**

Ms. Carlotta S. Stauffer  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
2018 JUN 14 PM 3:31  
COMMISSION  
CLERK

**Re: Docket No. 20180007-EI**

Dear Ms. Stauffer:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL's") Request for Confidential Classification of Information Provided in Response to Staff's Second Request for Production of Documents (No. 2). The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the confidential documents, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. 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 is the declaration in support of FPL's request.

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

Sincerely,

Maria J. Moncada

Enclosure

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

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Environmental Cost Recovery Clause

Docket No: 20180007

Date: June 14, 2018

**FLORIDA POWER & LIGHT COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF INFORMATION PROVIDED IN RESPONSE TO THE  
STAFF OF THE FLORIDA PUBLIC SERVICE COMMISSION'S  
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (No. 2)**

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 response to the Staff of the Florida Public Service Commission's ("Staff") Second Request for Production of Documents (No. 2) ("Confidential Discovery Response"). In support of its Request, FPL states as follows:

1. On May 25, 2018, Staff served its Second Request for Production of Documents (No. 2) on FPL. FPL's Response to Staff's Second Request for Production of Documents (No. 2) contains information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its responses to Staff's Second Request for Production of Documents (No. 2) on June 14, 2018. This request is being filed contemporaneously with the service of the responses to Staff's discovery in order to request confidential classification of the Confidential Discovery Response consistent with Rule 25-22.006, Florida Administrative Code.

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

a. Exhibit A consists of a copy of the Confidential Discovery Response on which all information that FPL asserts is entitled to confidential treatment is highlighted.

b. Exhibit B consists of an edited version of the Confidential Discovery Response on which all information that FPL asserts is entitled to confidential treatment is

redacted. For the document that is confidential in its entirety, FPL has included only the identifying cover page in Exhibit B.

c. Exhibit C is a table containing a page-and-line 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 supports the requested classification.

d. Exhibit D is the declaration of Michael W. Sole in support of this Request.

4. FPL submits that the highlighted information in Exhibit A is proprietary 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, 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 determined 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 descriptions included in Exhibit C and the declaration included in Exhibit D indicate, the Confidential Discovery Response provided by FPL contains information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

6. Additionally, this information relates to the competitive interests of FPL and its vendors, the disclosure of which would impair their competitive interests. 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 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), Fla. Stat.

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

Respectfully submitted,

John T. Butler  
Assistant General Counsel - Regulatory  
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By: \_\_\_\_\_

  
Maria J. Moncada  
Florida Bar No. 773301

**CERTIFICATE OF SERVICE**  
**Docket No. 20180007-EI**

I **HEREBY CERTIFY** that a true and correct copy of FPL's Request for Confidential Classification\* has been furnished by electronic service this 14th day of June 2018 to the following:

Charles Murphy, Esq.  
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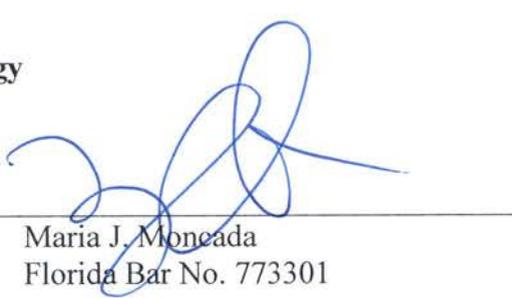
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**Attorney for Southern Alliance for Clean Energy**

By: \_\_\_\_\_



Maria J. Moncada  
Florida Bar No. 773301

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

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**EXHIBIT A**

**CONFIDENTIAL**

**FILED UNDER SEPARATE COVER**

**EXHIBIT B**

**REDACTED COPIES**

**Document ECR-18-000002 responsive to Staff's Second Request for Production of Documents No. 2 is confidential in its entirety.**

# **EXHIBIT C**

## **JUSTIFICATION TABLE**

EXHIBIT C

**COMPANY:** Florida Power & Light Company  
**TITLE:** List of Confidential Documents  
**DOCKET NO.:** 20180007-EI  
**DOCKET TITLE:** Environmental Cost Recovery Clause  
**SUBJECT:** FPL's Responses to Staff's Second Production of Documents  
**DATE:** June 14, 2018

Staff's Second Request for Production	Bates Nos.	Description	Line/Col.	Florida Statute 366.093(3) Subsection	Declarant
No. 2	ECR-18-000002	scope, budget, and schedule to meet the needs of the PFM MTHS	ALL	(d), (e)	M. Sole

**EXHIBIT D**

**DECLARATION**

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Environmental Cost Recovery Clause

Docket No: 20180007-EI

**DECLARATION OF MICHAEL W. SOLE**

1. My name is Michael W. Sole. I am currently employed by NextEra Energy, Inc. ("NEE") as Vice President of Environmental Services. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification. The documents and materials in which are asserted by FPL to be proprietary confidential business concern bids and other contractual data, as well as competitive interests of FPL's suppliers. Specifically, the documents contain information relating to pricing, estimates, or issues, the disclosure of which could impair the competitive interests of FPL and its vendors and could create an unfair advantage for other Suppliers. In addition, disclosure of this information would place FPL at a competitive disadvantage when coupled with other information that is publicly available. 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.



Michael W. Sole

Date: 6/13/2018