



Kenneth M. Rubin
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October 2, 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

REDACTED

Re: Docket No. 20170235-EI and Docket No. 20170236-EI

Dear Ms. Stauffer:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Information Provided in its Response to the Office of Public Counsel's Third Set of Interrogatories (No. 21). The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the confidential document, 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 contains the declaration in support of FPL's request.

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

Sincerely,

for Kenneth M. Rubin
Kenneth M. Rubin

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

Enclosure

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

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COMMISSION
CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light Company (FPL) for authority to charge FPL rates to former City of Vero Beach customers and for approval of FPL's accounting treatment for City of Vero Beach transaction.

Docket No. 20170235-EI

In re: Joint petition to terminate territorial agreement, by Florida Power & Light and the City of Vero Beach

Docket No. 20170236-EU

Filed: October 2, 2018

**FLORIDA POWER AND LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

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 response to the Office of Public Counsel's ("OPC") Third Set of Interrogatories (No. 21) ("Confidential Discovery Response"). In support of its Request, FPL states as follows:

1. On September 28, 2018, OPC served its Third Set of Interrogatories (Nos. 15-21) on FPL. FPL's response to OPC's Third Set of Interrogatories (No. 21) contains information of a confidential nature within the meaning of Section 366.093(3), Florida Statutes.

2. FPL served its responses to OPC's Third Set of Interrogatories (Nos. 20 and 21) on October 2, 2018, together with its Request for Confidential Classification. This request is being filed contemporaneously with the service of the responses to OPC's discovery in order to request confidential classification of the Confidential Discovery Responses consistent with Rule 25-22.006, Florida Administrative Code.

3. The following exhibits are included with this Request:

a. Exhibit A consists of a copy of the confidential material on which all of the information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of pages identifying the title of the exhibit and noting that the contents are confidential. Because FPL seeks confidential classification of the exhibit in its entirety, no purpose would be served by reproducing a full redacted version.

c. Exhibit C is a table that identifies the specific statutory bases for the claim of confidentiality and to the declarant who supports the requested classification.

d. Exhibit D contains the declaration of Scott Bores 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), F.S. 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 hard of disclosure against the public interest in access to the information.

5. As the declaration included as Exhibit D indicates, some of the information provided by FPL contains information concerning trade secrets. This information is protected by Section 366.093(3)(a), Fla. Stat.

6. Additionally, certain documents and materials provided by FPL contain information relating to competitive interests, the disclosure of which would impair the

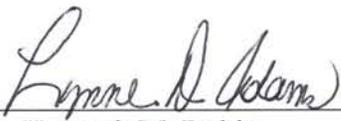
competitive business of FPL and/or its vendors. This information is protected by Section 366.093(3)(e), Fla. Stat.

7. Upon a finding by the Commission that the Amended Confidential Discovery Response is proprietary confidential business information within Section 366.093(3), such information should not be declassified for 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. § 366.093(4), Fla. Stat.

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

Respectfully submitted,

Kenneth M. Rubin
Senior Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 691-2512
Facsimile: (561) 691-7135

By: 
for Kenneth M. Rubin
Florida Bar No. 349038

CERTIFICATE OF SERVICE
DOCKET NOS. 20170235-EI AND 20170236-EU

I HEREBY CERTIFY that a true and correct copy of FPL's Request for Confidential Classification* was served electronically this 2nd day of October, 2018, to the following:

Suzanne Brownless, Esq.
Kathryn G. W. Cowdery, Esq.
Roseanne Gervasi, Esq.
Charles Murphy, Esq.
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Florida Public Service Commission

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kelly.jr@leg.state.fl.us
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Office of Public Counsel

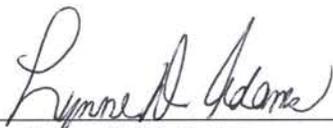
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Robert H. Stabe
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townmanager@irshores.com

By: 
for Kenneth M. Rubin
Florida Bar No. 349038

* The exhibits to this Request are not included with the service copies, but 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

**FPL's response to
OPC's 3rd INT No. 21**

**Attachment No. 1; Bates Nos. FPL 002331 to FPL
002356**

**Attachment No. 2; Bates Nos. FPL 002357 to FPL
002382**

**Attachment No. 3; Bates Nos. FPL 002383 to FPL
002408**

**Attachment No. 4; Bates Nos. FPL 002409 to FPL
002434**

are confidential in their entirety

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET TITLE: Florida Power & Light Company's Petition for authority to charge FPL rates to former City of Vero Beach customers and for approval of FPL's accounting treatment for City of Vero Beach transaction
DOCKET NO.: 20170235-EI
DOCKET TITLE: Joint petition to terminate territorial agreement, by Florida Power & Light and the City of Vero Beach
DOCKET NO.: 20170236-EU
DATE FILED: October 2, 2018

Discovery Set	Item No.	Bates Number	Conf. Y/N	Line/Column	Florida Statute 366.093(3) Subsection	Declarant
OPC's Third Set of Interrogatories	No. 21 Attachment No. 1	FPL 002331 to FPL 002356	Y	ALL	(a), (e)	Scott Bores
	No. 21 Attachment No. 2	FPL 002357 to FPL 002382	Y	ALL	(a), (e)	
	No. 21 Attachment No. 3	FPL 002383 to FPL 002408	Y	ALL	(a), (e)	
	No. 21 Attachment No. 4	FPL 002409 to FPL 002434	Y	ALL	(a), (e)	

EXHIBIT D

DECLARATION

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition to Charge FPL Rates to Former City of
Vero Beach Customers

Docket No. 20170235-EI

In re: Joint petition to terminate territorial
agreement, by Florida Power & Light and the
City of Vero Beach.

Docket No. 20170236-EU

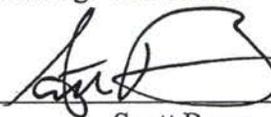
DECLARATION OF SCOTT BORES

1. My name is Scott Bores. I am currently employed by Florida Power & Light Company ("FPL") as the Senior Director of Financial Planning & Analysis. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification filed this date, for which I am listed as the declarant on Exhibit C. The documents that I have reviewed and which are asserted by FPL to be proprietary confidential business information containing trade secrets which are considered competitively sensitive, specifically the methodology was developed for use by, and which is in fact used by, FPL in the operation of its business, the disclosure of which would impair the business advantage associated with the development and use of this methodology and which would impair the competitive business of FPL. 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.



Scott Bores

Date: 10/2/18