



Kenneth M. Rubin
Senior Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-2512
(561) 691-7135 (Facsimile)
E-mail: Ken.Rubin@fpl.com

October 3, 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 the Office of Public Counsel's Response to FPL's First Request for Production of Documents (No. 2). 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

COMMISSION
CLERK

2018 OCT -3 PM 3:29

RECEIVED-FPSC

Enclosure

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

6873359

| | |
|-----|----------------|
| COM | _____ |
| AFD | <u>1</u> _____ |
| APA | _____ |
| ECO | _____ |
| ENG | _____ |
| GCL | _____ |
| IDM | _____ |
| CLK | _____ |

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 3, 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 the Office of Public Counsel's ("OPC") response to FPL's First Request for Production of Documents (No. 2) ("Confidential Discovery Response"). In support of its Request, FPL states as follows:

1. On September 12, 2018, FPL served its First Request for Production of Documents (Nos. 1-4) on OPC. OPC's response to FPL's First Request for Production of Documents (No. 2) contains confidential information within the meaning of Section 366.093(3), Florida Statutes.

2. OPC served its responses to FPL's First Request for Production of Documents (Nos. 1-4) on October 2, 2018.

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, 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.

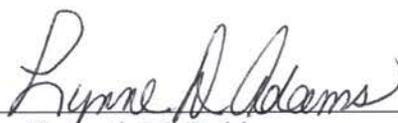
6. Upon a finding by the Commission that the Amended Confidential Discovery Response is proprietary confidential business information within Section 366.093(3), such information should not be declassified for at least eighteen (18) months and should be returned to

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 3rd day of October, 2018, to the following:

Suzanne Brownless, Esq.
Kathryn G. W. Cowdery, Esq.
Roseanne Gervasi, Esq.
Charles Murphy, Esq.
Office of General Counsel
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
sbrownle@psc.state.fl.us
kcowdery@psc.state.fl.us
rgervasi@psc.state.fl.us
cmurphy@psc.state.fl.us
Florida Public Service Commission

J. Michael Walls, Esq.
Carlton Fields
4221 Boy Scout Blvd., Suite 1000
Tampa, FL 33607
mwalls@carltonfields.com

Lynne A. Larkin, Esq.
5690 HWY A1A, #101
Vero Beach, FL 32963
lynnelarkin@bellsouth.net
**Civic Association of Indian River County,
Inc.**

Brian T. Heady, Esq.
406 19th Street
Vero Beach, FL 32960
brianheady@msn.com

J. R. Kelly, Esq.
Stephanie Morse, Esq.
Charles Rehwinkel, Esq.
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
kelly.jr@leg.state.fl.us
morse.stephanie@leg.state.fl.us
Rehwinkel.charles@leg.state.fl.us
Office of Public Counsel

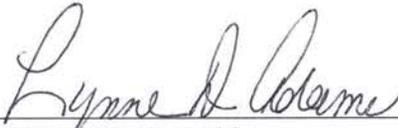
James O'Connor
1053 20th Place
Vero Beach, FL 32961
citymgr@covb.org
City of Vero Beach

Dylan Reingold, County Attorney
1801 27th Street – Building A
Vero Beach, FL 32960
dreingold@ircgov.com

Michael Moran
P.O. Box 650222
Vero Beach, FL 32965
Mmoran@veronet.net

D. Bruce May, Jr.
Holland & Knight, LLP
315 South Calhoun Street, Suite 600
Tallahassee FL 32301
bruce.may@hklaw.com
Town of Indian River Shores

Town of Indian River Shores
Robert H. Stabe
6001 North A1A
Indian River Shores FL 32963
townmanager@irshores.com

By  Lynne D. Adams
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.

6873346

EXHIBIT A

CONFIDENTIAL

FILED UNDER SEPARATE COVER

EXHIBIT B

REDACTED COPIES

**OPC's response to
FPL's 1st POD No. 2**

OPC-FPLPOD1-2A-000001;

Tab "Input;" Bates No. FPL 000244; Row 29 / Cols. R-T

Tab "FPL's LTPE;" Bates No. FPL 000254

is confidential in their entirety

OPC-FPLPOD1-2B-000002;

Tab "Input;" Bates No. FPL 000244; Row 29 / Cols. R-T

Tab "FPL's LTPE;" Bates No. FPL 000254

is 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 3, 2018

| Discovery Set | Item No. | Bates Number | Conf. Y/N | Row / Column | Florida Statute 366.093(3) Subsection | Declarant |
|--|-----------------------------------|--------------|-----------|---|---------------------------------------|-------------|
| OPC's Responses to FPL's First Request for Production of Documents | No. 2 (a) – OPC-FPLPOD1-2A-000001 | FPL 000244 | Y | Row 29 / Col. R Row 29 / Col. S Row 29 / Col. T | (e) | Scott Bores |
| | | FPL 000254 | Y | Tab "FPL's LTPE": All | (e) | |
| | No. 2 (b) – OPC-FPLPOD1-2B-000002 | FPL 000244 | Y | Row 29 / Col. R Row 29 / Col. S Row 29 / Col. T | (e) | |
| | | FPL 000254 | Y | Tab "FPL's LTPE": All | (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-EI

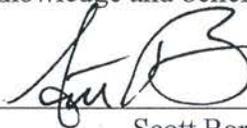
DECLARATION OF SCOTT BORES

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 relating to competitive interests, the disclosure of which would impair the competitive business of FPL, contain severance pay information and FPL's assumed long-term price of electricity, including the estimated base rate settlement amounts for the next rate case. 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: 10/3/18