



Kenneth M. Rubin
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April 18, 2019

REDACTED

VIA HAND DELIVERY

Mr. Adam Teitzman
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-FPSC
2019 APR 18 AM 11:54
COMMISSION
CLERK

Re: Docket No. 20180144-EI

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification. The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of a listing of the confidential document, and all the information that FPL asserts is entitled to confidential treatment has been highlighted. Exhibit B is a listing of all the confidential information contained in Exhibit A. 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 for Confidential Classification.

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

- COM _____
- AFD _____
- APA _____
- ECO _____
- ENG 1 Exh B
- GCL _____
- IDM Enclosure
- CLK cc: Counsel for Parties of Record (w/ copy of FPL's Request for Confidential Classification)

Sincerely,

Kenneth M. Rubin

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of Florida Power & Light Company's 2019-2021 Storm Hardening Plan pursuant to Rule 25-6.0342, F.A.C

Docket No: 20180144-EI

Date: April 18, 2019

FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED IN RESPONSE TO STAFF'S THIRD DATA REQUEST

Pursuant to Section 366.093, Florida Statutes ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby requests confidential classification of certain information provided in response to Staff's Third Data Request (referred to herein as the "Confidential Information"). In support of this request, FPL states as follows:

1. FPL served its responses to Staff's Third Data Request (Nos. 1-14) on April 17, 2019. This request is being filed contemporaneously with the service of the responses to Staff's Data Request in order to request confidential classification of the Confidential Data Request Response No.14 consistent with Rule 25-22.006, Florida Administrative Code.

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

- a. Exhibit A consists of a copy of the Confidential Data Request 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 Data Request Response on which all information that FPL asserts is entitled to confidential treatment is redacted.
- c. Exhibit C is a table that identifies 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 a declaration of David T. Bromley in support of this Request.

3. FPL submits that the highlighted information in Exhibit A is proprietary and confidential business information, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, 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 the descriptions included in Exhibit C and the declaration included in Exhibit D indicate the Confidential Data Response provided by FPL contains information that relates to emergency management, security measures, systems and procedures. This information is protected by section 366.093(3)(c), Florida Statutes.

5. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least eighteen (18) month period 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 supporting materials and affidavits included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted this 18th day of April 2019.

Kenneth M. Rubin
Senior Counsel
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Telephone: (561) 691-2512
Facsimile: (561) 691-7135

By: *Kenneth M. Rubin*
Kenneth M. Rubin
Florida Bar No. 0349038

CERTIFICATE OF SERVICE
Docket No. 20180044-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Confidential Classification* has been furnished by electronic mail on this 17th day of April, 2019 to the following:

Jennifer Crawford, Esq.
Walter Trierweiler, Esq.
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
jcrawfor@psc.state.fl.us
wtrierwe@psc.state.fl.us

J. R. Kelly, Esq.
Patricia Christensen, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
kelly.jr@leg.state.fl.us
christensen.patty@leg.state.fl.us

By: Kenneth M. Rubin
Kenneth M. Rubin

* 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

EXHIBIT B

**Corporate Emergency Management Plan
Is confidential in its entirety**

EXHIBIT C

JUSTIFICATION TABLE

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO: 20180144-EI
DOCKET TITLE: Review of 2019-2021 Storm Hardening Plan, Florida Power & Light Company
DATE: April 18, 2019

Description	Nos of Pages	Conf. Y/N	Line	Florida Statute 366.093(3) Subsection	Declarant
Corporate Emergency Management Plan	64	Y	All	(c)	David T. Bromley

EXHIBIT D

DECLARATION

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of Florida Power & Light Company's 2019-2021 Storm Hardening Plan pursuant to Rule 25-6.0342, F.A.C

Docket No: 20180144-EI

Date: April 18, 2019

STATE OF FLORIDA)
)
BROWARD COUNTY)

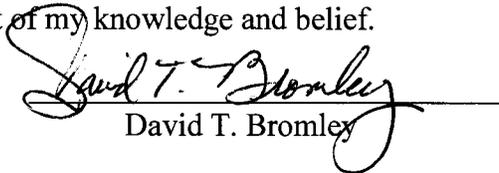
WRITTEN DECLARATION OF David T. Bromley

1. My name is David T. Bromley. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Regulatory Services - Distribution. My business address is 7200 N.W. 4th Street, Plantation, Florida 33317. I have personal knowledge of the matters stated in this written declaration.

2. I have reviewed the documents and information included in Exhibit A of FPL's Request for Confidential Classification regarding Staff's Data Request No. 14, for which I am listed as the declarant on Exhibit C. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain information that relates to emergency management, security measures, systems and procedures. Specifically, the document contains information regarding the Corporate Emergency Management Plan (CEMP) To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. This information should be maintained as confidential for a period of not less than eighteen months. In addition, this material 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.


David T. Bromley

Date: APRIL 18, 2019