

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchase power cost recovery
clause with generating performance incentive factor

Docket No: 20200001-EI

Date: December 1, 2020

**FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL
CLASSIFICATION OF INFORMATION PROVIDED IN RESPONSE
TO STAFF'S FIRST SET FOR INTERROGATORIES (Nos. 1 and 2)**

Pursuant to Section 366.093, Florida Statutes ("Section 366.093"), and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby submits its First Request for Extension of Confidential Classification of Information Provided in Response to Staff's First Set for Interrogatories (Nos. 1 and 2) in Docket 20190001 ("Confidential Information"). In support of this request, FPL states as follows:

1. On March 18, 2019, FPL filed a Request for Confidential Classification of the Confidential Information, which included Exhibits A, B, C and D ("March 18, 2019 Request"). By Order No. PSC-19-0193-CFO-EI, dated May 30, 2019 ("Order 0193"), the Commission granted FPL's March 18, 2019 Request. FPL adopts and incorporates by reference the March 18, 2019 Request and Order 0193.

2. The period of confidential treatment granted by Order 0193 will soon expire. The Confidential Information that was the subject of FPL's March 18, 2019 Request and Order 0193 warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3). Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

3. All of the information designated in Exhibits A, B and C to the March 18, 2019 Request remains confidential. Accordingly, those exhibits will not be reproduced or reattached here.

4. The declaration of Gerard J. Yupp in support of this Request is included as First Revised Exhibit D.

5. 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, 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.

6. As explained certain documents contain information relating to bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. This information is protected by Section 366.093(3)(d), Fla. Stat.

7. Also, certain documents contain information relating to competitive interests, the disclosure of which would impair the competitive business of FPL and its vendors. This information is protected by Section 366.093(3)(e), Fla. Stat

8. Nothing has changed since the Commission entered Order 0193 to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

9. 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 an additional thirty-six (36) 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. (2017).

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials included with or incorporated in this Request, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By: s/ Maria Jose Moncada

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CERTIFICATE OF SERVICE
Docket No. 20200001-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished
by electronic service on this 1st day of December 2020 to the following:

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FIRST REVISED

EXHIBIT D

DECLARATION

FIRST REVISED EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchase Power Cost Recovery
Clause with Generating Performance Incentive
Factor

Docket No: 20200001-EI

DECLARATION OF GERARD J. YUPP

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations in the Energy Marketing and Trading Division. 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 First Request for Extension of Confidential Classification. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business concern bids and other contractual data, as well as the competitive interests of FPL and its suppliers, the public disclosure of which would impair the efforts of FPL to contract for goods or services on favorable terms. Specifically, the documents contain information regarding bids received from FPL's coal suppliers, including proposed volumes, quality, pricing, and delivery methods. Disclosure of this information would impair the competitive interests of FPL and its suppliers, and 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 these documents and materials.

3. Nothing has occurred since the issuance of Order No. PSC-2019-0193-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of not less than 36 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.


GERARD J. YUPP

Date: 11/23/2020