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June 17, 2025

**VIA HAND DELIVERY**

Mr. Adam Teitzman  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**REDACTED**

COMMISSION  
CLERK

2025 JUN 17 AM 2:19

RECEIVED-FPSC

**Re: Docket No. 20250011-EI**

Dear Mr. Teitzman:

I enclose for filing in the above docket Florida Power & Light Company's ("FPL") Request for Confidential Classification of Certain Information Contained in the Testimony of the Florida Industrial Power Users Group Witness Jonathan Ly. The request includes Exhibits A, B (two copies), C and D.

Exhibit A consists of the documents containing confidential information, on which the confidential information has been highlighted. Exhibit A is submitted for filing in an envelope marked "EXHIBIT A" – CONFIDENTIAL. 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. In accordance with Rule 25-22.006(3)(d), Florida Administrative Code, FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Request for Confidential Classification.

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

AFD 1 redacted  
APA exh "B"

ECO \_\_\_\_\_

ENG \_\_\_\_\_

GCL \_\_\_\_\_

IDM \_\_\_\_\_

CLK \_\_\_\_\_

Enclosure

Sincerely,

s/ Maria Jose Moncada  
Maria Jose Moncada  
Fla. Bar No. 0773301

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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by Florida Power & Light  
Company for Base Rate Increase

Docket No. 20250011-EI

Date: June 17, 2025

**FLORIDA POWER & LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL  
CLASSIFICATION OF CERTAIN INFORMATION CONTAINED IN THE  
TESTIMONY OF THE FLORIDA INDUSTRIAL POWER USERS  
GROUP WITNESS JONATHAN LY**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby requests confidential classification of certain information contained in the testimony of the Florida Industrial Power Users Group ("FIPUG") witness Jonathan Ly. In support of its request, FPL states as follows:

1. On June 9, 2025, FPL filed its Notice of Intent to Request Confidential Classification of Certain Information Contained in The Testimony of FIPUG's Witness Jonathan Ly ("FPL's Notice of Intent").

2. On June 9, 2025, FIPUG filed the testimony and exhibits of witness Jonathan Ly as confidential under seal pursuant to FPL's Notice of Intent.

3. After reviewing the testimony of FIPUG witness Jonathan Ly, FPL has identified the portions of the testimony that are confidential (the "Confidential Information"). The Confidential Information was information that was provided by FPL to FIPUG and the other parties as confidential. Consistent with Rule 25-22.006, Florida Administrative Code, this request is being filed to specify the portions of the testimony for which confidential classification is being sought by FPL.

4. The following exhibits are attached to and made a part of this Request:

- a. Exhibit A consists of a copy of the pages of the testimony containing information which FPL asserts is confidential, and FPL has highlighted all information that FPL asserts is confidential.
- b. Exhibit B is a redacted version of the confidential documents in Exhibit A.
- c. Exhibit C is a table that identifies the information for which confidential treatment is being sought, references the specific statutory basis for the claim of confidentiality and identifies the declarant who supports the requested classification.
- d. Exhibit D consists of the declaration of Andrew Whitley in support of this Request.

5. FPL submits that the Confidential Information is intended to be and has been treated and maintained by FPL as confidential business information, and its disclosure would cause harm to FPL and its customers. Pursuant to Section 366.093, Florida Statutes, 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 described more fully in the declaration included in Exhibit D, the Confidential Information contains information relating to FPL's competitive interests, the disclosure of which would impair the competitive business of FPL. Specifically, the information contains budget forecast amounts for future solar and/or battery projects. This information is protected by Section 366.093(3)(e), Florida Statutes.

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) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* Section 366.093(4), Florida Statutes.

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

Respectfully submitted this 17th day of June, 2025,

By: *s/Maria Jose Moncada*

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail to the following parties of record this 17th day of June, 2025:

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s/ Maria Jose Moncada

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*Attorney for Florida Power & Light Company*

## **EXHIBIT B**

### **PUBLIC VERSION OF THE DOCUMENTS**

Public Version(s) of the Document(s) attached   X  

Public Version(s) of the Document(s) attached via USB

**CILC/CDR Incentive Level**

- The CILC and CDR programs provide value to FPL's system as cost-effective demand-side resources that are capable of deferring capacity resource additions.
- Despite analysis demonstrating that the CILC and CDR programs are projected to remain cost-effective at the current rate, FPL is proposing to reduce the incentives paid to program participants by 29%.
- FPL's proposal to reduce the credit is based upon flawed analysis which modeled FPL on a standalone basis, akin to an islanded system that is unable to rely upon generation and transmission capabilities from neighboring utilities, which results in the CILC and CDR programs being called upon with increasing frequency.
- Furthermore, FPL's analysis also assumed that load control periods would always be limited to only six hours. However, under emergency conditions, FPL has the option to extend these periods without constraint. Limiting the ability for these programs to be dispatched in the analysis — while simultaneously relying more frequently on them — understates their actual firm capacity value.
- Based on the historic cost of FPL's installed generation, the 900 megawatts (MW) of existing CILC/CDR load has deferred approximately \$591 million of capacity additions.
- The CILC/CDR program will defer the cost of future battery storage additions. Based on FPL's assumed cost of battery storage, the CILC/CDR incentive level can remain cost-effective up to [REDACTED] per kilowatt (kW) per month.
- The Commission should reject FPL's proposal to reduce the CILC/CDR incentive level by 29%.
- Instead, the Commission should increase the CILC/CDR incentive level in an amount equivalent to the increase in FPL's production plant in service since its last rate case (40.7%) from \$8.76 to \$12.32 per kW to recognize its value in deferring future capacity resource additions.



1    **Q     DOES FPL ACKNOWLEDGE THAT THE CILC/CDR PROGRAMS WILL CONTINUE**  
2           **TO ALLOW FPL TO DEFER GENERATION CAPACITY ADDITIONS?**

3    **A     Yes. As acknowledged by FPL witness Whitley, the CILC and CDR programs are**  
4           **cost-effective resources that are capable of deferring resource additions. Specifically,**  
5           **these programs are largely assumed to defer the addition of future battery resources.<sup>28</sup>**

6    **Q     WHAT IS THE ASSUMED COST OF FPL'S FUTURE BATTERY RESOURCES?**

7    **A     FPL assumes that battery additions will cost \$[REDACTED] per kW in 2027 and decrease over**  
8           **time to \$[REDACTED] per kW in 2034.<sup>29</sup>**

9    **Q     HOW MANY MEGAWATTS OF BATTERY CAPACITY ARE THE CILC AND CDR**  
10          **PROGRAMS EXPECTED TO DEFER FOR THE PERIOD FROM 2026 TO 2034?**

11   **A     In the absence of the CILC and CDR programs, FPL projects that it would have to**  
12          **install an additional 100 MW of batteries in 2026, 225 MW in 2033, and 2,384 MW in**  
13          **2034.<sup>30</sup> In total, the CILC and CDR programs defer 2,709 MW of incremental battery**  
14          **storage additions in the near-term.**

15   **Q     DOES FPL'S PROPOSAL TO REDUCE THE CILC AND CDR INCENTIVES BY 29%**  
16          **RAISE ANY OTHER CONCERNS?**

17   **A     Yes. FPL's proposal does not consider the resulting effect of customers potentially**  
18          **switching from non-firm to firm service as a consequence of the reduction in credits.**

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<sup>28</sup> *Id.* at 231-232.

<sup>29</sup> FPL Response to OPC Request for Production No. 15, CONFIDENTIAL – Whitley.

<sup>30</sup> Direct Testimony of Andrew W. Whitley, Exhibit AWW-7.

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**3. CILC/CDR Incentive Level**

1    **Q     IS THERE ANY REASON TO BELIEVE THAT CUSTOMERS WOULD CONTINUE**  
2           **THEIR PARTICIPATION IN THE CILC AND CDR PROGRAMS IF THE INCENTIVES**  
3           **ARE REDUCED BY 29%?**

4    **A     No. Non-firm service is not cost-free. Curtailments can occur at any time when**  
5           **capacity is insufficient throughout Peninsular Florida, not just in FPL's service territory.**  
6           **Thus, CILC and CDR participants have to incur costs to be able to safely curtail load**  
7           **when notified. Reducing the incentive payments by 29% substantially changes the**  
8           **customer's assessment of the risks and benefits of the programs. Under FPL's**  
9           **proposed reduction in incentives participants may convert to firm service if they come**  
10          **to the conclusion that the benefits of remaining on non-firm service are substantially**  
11          **reduced and no longer justify the risks.**

12   **Q     WHAT WOULD HAPPEN IF ALL THE CILC AND CDR LOAD WERE TO CONVERT**  
13          **FROM NON-FIRM TO FIRM SERVICE?**

14   **A     FPL would have to install additional capacity to firm up the CILC and CDR loads.**  
15          **Assuming a 20% reserve margin, 900 MW of CILC and CDR non-firm load would**  
16          **require an additional 1,080 MW of capacity.**

17           FPL estimates that the avoided cost of a battery resource is approximately  
18          \$[REDACTED] per kW per month.<sup>31</sup> This is approximately [REDACTED] % higher than the current \$8.76  
19          per kW CDR monthly credit. Thus, FPL would incur significant costs to firm up CILC  
20          and CDR loads if these customers convert to firm service.

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<sup>31</sup> FPL Response to OPC Request for Production No. 15, CONFIDENTIAL – Cohen.

1 Q HAVE THE CILC AND CDR PROGRAMS PROVIDED (AND EXPECTED TO  
2 CONTINUE TO PROVIDE) BENEFITS TO THE GENERAL BODY OF FPL  
3 CUSTOMERS?

4 A Yes. The capacity costs avoided by providing non-firm service under the CILC and  
5 CDR Rider rate schedule exceed the incentive payments to these customers. Hence,  
6 from a ratemaking perspective, both the CILC and CDR programs are cost-effective.

7 Q BASED ON YOUR ANALYSIS, IS THERE ANY SUPPORT FOR INCREASING THE  
8 CILC AND CDR CREDITS?

9 A Yes. As previously discussed, FPL's analysis demonstrates that the CILC and CDR  
10 programs are cost-effective, even despite the flaws which drastically understate their  
11 rated capacity as discussed herein. Thus, increasing the credit for these programs  
12 would likely yield a RIM benefit-to-cost ratio that is well above 1.00 and should remain  
13 so for at least the term of FPL's proposed four-year rate plan. Based on FPL's estimate  
14 of projected battery additions, the cost of avoided capacity is approximately █%  
15 higher than the current CDR monthly credit. Thus, the credit could be increased by  
16 up to █%, or \$█ per kW, and still remain cost-effective.

17 Q WHAT DO YOU RECOMMEND?

18 A The Commission should reject FPL's proposal to drastically reduce the CILC and CDR  
19 credits. FPL's proposal is based upon a flawed analysis which does not fully recognize  
20 the capacity benefits provided by the CILC and CDR programs. Instead, the  
21 Commission should approve a 40.7% increase, thereby raising the credit from \$8.76  
22 to \$12.32 per kW for the CDR/CILC programs. The 40.7% reflects the increase in  
23 FPL's production plant in service since its last rate case. It also recognizes that these  
24 programs have deferred and continue to defer capacity resource additions.

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3. CILC/CDR Incentive Level

## **EXHIBIT C**

### **JUSTIFICATION TABLE**

## EXHIBIT C

**COMPANY:** Florida Power & Light Company  
**TITLE:** Petition by Florida Power & Light Company for Base Rate Increase  
**DOCKET NO.:** 20250011-EI  
**DATE:** June 17, 2025

Begin Bates Number	End Bates Number	Description	No. of Pages	Confidential	Page/Line	F.S. 366.093 (3) Sub-section	Declarant
N/A	N/A	FIPUG Witness Jonathan Ly Direct Testimony	4	Y	Page 4, Line 23 (as marked); Page 23, Lines 7-8 (as marked); Page 24, Line 18 (as marked); Page 25, Lines 14 and 16 (as marked).	(e)	Andrew Whitley

**EXHIBIT D**  
**DECLARATION(S)**

**FIRST REVISED EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by Florida Power & Light Company  
for Base Rate Increase and Rate Unification

Docket No: 20250011-EI

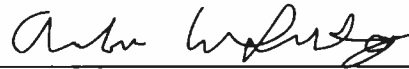
**DECLARATION OF ANDREW WHITLEY**

1. My name is Andrew Whitley. I am currently employed by Florida Power & Light Company ("FPL") as Engineering Manager, FPL Finance. I have personal knowledge of the matters stated in this declaration.

2. I have reviewed the documents referenced and incorporated in FPL's Request for Confidential Classification, specifically the materials provided in the testimony of FIPUG Witness, Jonathan Ly. The documents or materials that I have reviewed and which are proprietary confidential business information contain information relating to FPL's competitive interests, the disclosure of which would impair the competitive business of FPL. Specifically, the information contains budget forecast amounts for future solar and/or battery projects. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

3. Therefore, consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of at least an additional 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 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.



Andrew Whitley

Date: 06/16/2025