

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

REDACTED

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

Docket No. Undocketed

Dated: April 30, 2013

13 APR 30 PM 3:00

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COMMISSION CLERK

- claim of confidentiality
- notice of intent
- request for confidentiality
- filed by OPC

**DUKE ENERGY FLORIDA INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

For DN 02350-13, which is in locked storage. You must be authorized to view this DN.-CLK

Duke Energy Florida, Inc., ("DEF" or "Company"), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification for certain cost information provided in its 2012 Diversification Report submitted on April 30, 2013. In support of this Request, DEF states:

1. DEF has provided cost information in its Diversification Report that is "proprietary business information" under Section 366.093(3), Florida Statutes. This information was also provided in the Testimony & Exhibits of Thomas G. Foster, is deemed confidential, and will be submitted along with DEF's Third Notice of Intent to Request for Confidential Classification in the Nuclear Cost Recovery Clause (Dkt# 130009-EI) on May 1, 2013.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing unredacted copies of all the documents for which DEF seeks confidential treatment. Composite Exhibit A is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted by yellow marker.

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The specific

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information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Exhibit C is a table which identifies by page and line the information for which DEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

3. As indicated in Exhibit C, the information for which DEF requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, the information at issue relates to contractual information and competitively negotiated data, such as the budgeted and in-service costs associated with the Levy Nuclear Plant, the disclosure of which would impair the efforts of the Company to negotiate contracts on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Geoff Foster at ¶ 6. Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Geoff Foster at ¶ 7. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. *See* Affidavit of Geoff Foster ¶ 7.

5. DEF requests that the information identified in Exhibit A be classified as “proprietary confidential business information” within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4) F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business..

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 30th day of April, 2013.



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Attorney for
DUKE ENERGY FLORIDA, INC.

Exhibit B

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Budgeted and Actual In-Service Costs of Nuclear Power Plant

Company: **Duke Energy - Florida**
For the Year Ended December 31, 2012

Redacted

Report the budgeted and actual costs as compared to the estimated in-service costs of the proposed power plant as provided in the petition for need determination or revised estimate as necessary. Per Rule 25-6.0423(8)(f)

Item				
Plant Name: Levy County Nuclear Unit 1 and 2				
	Actual Costs as of December 31, 2012	Remaining Budgeted Costs to Complete Plant:	Total Estimated Cost of Plant	Note 1 Estimated Cost provided in the Petition for Need Determination (or revised estimate as necessary)
Licensing/Permits/Authorizations/Legal	[REDACTED]		\$	-
Site/Site Preparation	[REDACTED]		\$	-
Related Facilities	[REDACTED]		\$	-
Generation Plant	[REDACTED]		\$	10,516,097,000
Transmission Facilities	[REDACTED]		\$	2,446,841,000
Total	\$ 724,820,373	\$ 17,704,742,328	\$ 18,429,562,701	\$ 12,962,938,000

Note 1: These amounts are based on our Need Determination which was filed March 11, 2008. At that point DEF did not have negotiated or signed contracts in place. Therefore the estimates provided are high level and only broken out between generation and transmission as presented in the Need Petition. As the project continues DEF will have better estimates and contracts in place.

Note 2: Costs included herein are exclusive of AFUDC and Carrying Costs as well as initial fuel load costs.

Budgeted and Actual In-Service Costs of Nuclear Power Plant

Company: *Duke Energy - Florida*
 For the Year Ended December 31, 2012

Redacted

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EXHIBIT C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's 2012 Diversification Report	Page 464; budgeted and actual in-service costs of Levy Nuclear Plant	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>