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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

Docket No. 130009-EI

Submitted for Filing: July 16, 2013

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COMMISSION
CLERK

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

Duke Energy Florida, Inc. ("DEF" or the "Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code, files this Request for Confidential Classification of the confidential portions of the information provided in response to SACE's First Set of Interrogatories to Duke Energy Florida, Inc. (Nos. 1-15), specifically No. 6. DEF's response contains confidential contractual cost information, the disclosure of which would impair DEF's ability to contract for necessary goods and services, as well as other information the disclosure of which would harm the Company's competitive business interests. The information in DEF's response meet the definition of proprietary confidential business information per section 366.093(3), Florida Statutes. The unredacted response is being filed under seal with the Commission on a confidential basis to keep the competitive business and contractual information in the response confidential.

BASIS FOR CONFIDENTIAL CLASSIFICATION

Section 366.093(1), Florida Statutes, provides that "any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." § 366.093(1), Fla. Stat. Proprietary confidential business information means information that is (i) intended to be and is treated as private confidential information by the Company, (ii) because disclosure of the information would cause harm, (iii) either to the Company's customers

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or the Company's business operation, and (iv) the information has not been voluntarily disclosed to the public. § 366.093(3), Fla. Stat. Specifically, "information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms" is defined as proprietary confidential business information. § 366.093(3)(d), Fla. Stat. Additionally, section 366.093(3)(e) defines "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information," as proprietary confidential business information.

Portions of the aforementioned response should be afforded confidential classification for the reasons set forth in the Affidavit of Christopher M. Fallon filed in support of DEF's Seventh Request for Confidential Classification, and for the following reasons.

DEF's Response to SACE's First Set of Interrogatories (Nos. 1-15), specifically No. 6, contains sensitive proprietary and confidential cost information, related to and derived from contractual agreements necessary for the construction of LNP 1 & 2. DEF considers this information to be confidential and proprietary in nature, and continues to take steps to protect against its public disclosure, including limiting the personnel who have access to this information. Affidavit of Fallon, ¶ 4. Public release of this information would harm the Company's ability to contract for necessary goods and services by signaling to the parties with whom DEF attempts to contract that the Company will not be able to maintain the confidentiality of the parties' contractual agreements, and in many instances, the disclosure of this information would violate contractual confidentiality provisions. See id. at ¶ 4.

Further, the Company has established and follows strict procedures to maintain the confidentiality of the terms of all of the confidential documents and information at issue,

including restricting access to those persons who need the information and documents to assist the Company. See Affidavit of Fallon, ¶ 5.

At no time has the Company publicly disclosed the confidential information at issue; DEF has treated and continues to treat the information at issue as confidential. See Affidavit of Fallon, ¶ 5.

DEF requests this information be granted confidential treatment by the Commission.

Conclusion

The competitive, confidential information at issue in this Request fits the statutory definition of proprietary confidential business information under Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C., and therefore that information should be afforded confidential classification. In support of this motion, DEF has enclosed the following:

(1) A separate, sealed envelope containing one copy of the confidential Appendix A to DEF's Request for which DEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted. **This information should be accorded confidential treatment pending a decision on DEF's Request by the Commission;**

(2) Two copies of the documents with the information for which DEF intends to request confidential classification redacted by section, pages, or lines where appropriate as Appendix B; and,

(3) A justification matrix of the confidential information contained in Appendix A supporting DEF's Request, as Appendix C.

WHEREFORE, DEF respectfully requests that the redacted portions of Duke Energy Florida, Inc.'s Response to SACE's First Set of Interrogatories (Nos. 1-15), specifically No. 6, be classified as confidential for the reasons set forth above.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 10th day of July, 2013.



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DUKE ENERGY FLORIDA
In re: Nuclear Cost Recovery Clause
Docket 130009-EI
Seventh Request for Confidential Classification

Exhibit B

5. Please identify the documents utilized by the Company to develop its forecasted natural gas prices.

RESPONSE: Subject to DEF's objections filed on June 20, 2013, the first three years of DEF's natural gas forecast is based on the NYMEX Forward Price curve. The long term natural gas forecast is based on third party forecasts provided by Energy Ventures Analysis (EVA). EVA is a nationally recognized energy consultancy based in Arlington, VA. The forecast is consistent with their "2012 Fuelcast".

6. What are the non-binding cost estimates for the construction of LNP 1 & 2 expressed as follows:
- a) Overnight costs
 - b) Cost per k/W of capacity

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RESPONSE: Subject to DEF's objections filed on June 20, 2013, please see confidential chart below:

	w/o escalation	escalation	w/ escalation
EPC			
Owner			
Owner Contingency			
Transmission			
TOTAL w/o Fuel			
\$ per k/W w/o fuel			
Fuel			
TOTAL w/ Fuel			18847
\$ per k/W w/ fuel			

All values are in millions of dollars except where \$/kw is indicated.

DUKE ENERGY FLORIDA DOCKET 130009-EI
Seventh Request for Confidential Classification
Confidentiality Justification Matrix
ATTACHMENT C

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
<p>Duke Energy Florida, Inc.'s Response to SACE's First Set of Interrogatories to Duke Energy Florida, Inc. No. 6</p>	<p>All information in responsive chart, 2nd, 3rd and 4th columns with exception of 4th column, 2nd row from the bottom</p>	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual 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), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>