



Matthew R. Bernier  
Senior Counsel  
Duke Energy Florida, LLC

October 15, 2015

**VIA ELECTRONIC FILING**

Ms. Carlotta Stauffer, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: *Fuel and purchased power cost recovery clause with generating performance incentive factor; Docket No. 150001-EI*

Dear Ms. Stauffer:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's First Request for Extension of Confidential Classification concerning portions of information in DEF's Responses to Staff's First Set of Interrogatories (Nos. 1-11), specifically questions 1, 3, 6, and 8 and Attachments A, C, and D and to Staff's First Request for Production of Documents, (No. 1), specifically Attachment A (document number 01259-14) filed in docket no. 140001-EI, and Exhibit D, Affidavits of Brett Phipps and Joseph McCallister in Support of DEF's First Request for Extension of Confidential Classification. The original Request included Exhibits A, B, and C.

There are no changes to the original Request's Exhibit A consisting of the confidential unredacted documents, Exhibit B containing two (2) redacted copies of the confidential document, or Exhibit C containing a justification table in support of DEF's original Request. The aforementioned exhibits remain on file with the Clerk.

Thank you for your assistance in this matter. Please feel free to call me at (850) 521-1428 should you have any questions concerning this filing.

Respectfully,

s/Matthew R. Bernier  
Matthew R. Bernier  
Senior Counsel

MRB/mw  
Enclosures  
cc: Certificate of Service

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 150001-EI

Dated: October 14, 2015

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**DUKE ENERGY FLORIDA LLC'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, LLC (“DEF” or “Company”), pursuant to Section 366.093, Florida Statutes (“F.S.”), and Rule 25-22.006, Florida Administrative Code (“F.A.C.”), submits its First Request for Extension of Confidential Classification for certain information provided in response to Staff’s First Set of Interrogatories (Nos. 1-11) and Staff’s First Request for Production of Documents (No. 1) in Docket No. 140001-EI. In support of this Request, DEF states:

1. On March 21, 2014, DEF filed a request for confidential classification of information contained in its Response to Staff’s First Set of Interrogatories (Nos. 1-11), specifically questions 1, 3, 6, 8, Attachments A, C, and D and First Request for Production of Documents (Nos. 1), specifically Attachment A, (Document No. 01259-14) as it contains proprietary confidential business information.

2. DEF’s March 21, 2014 Request was granted by Order No. PSC-14-0183-CFO-EI on April 21, 2014. The period of confidential treatment granted by that order will expire on October 21, 2015. The information continues to warrant treatment as “proprietary confidential

business information” within the meaning of Section 366.093(3), F.S. Accordingly, DEF is filing its First Request for Extension of Confidential Classification.

3. DEF submits that the portions of its Response to Staff’s First Set of Interrogatories (Nos. 1-11), specifically 1, 3, 6, 8, Attachments A, C, and D and Staff’s First Request for Production of Documents (No. 1), specifically Attachment A, contained in DEF’s confidential Exhibit A to the March 21, 2014 Request continue to be “proprietary confidential business information” within the meaning of section 366.093(3), F.S. and continue to require confidential classification. *See* Affidavits of Brett Phipps and Joseph McCallister at ¶¶ 5-6, attached as Revised Exhibit “D”. This information is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public. Pursuant to section 366.093(1), F.S., such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the Public Records Act. *See* Affidavits of Brett Phipps and Joseph McCallister ¶ 7.

4. Nothing has changed since the issuance of Order No. PSC-14-0183-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Upon a finding by the Commission that this information continues to be “proprietary confidential business information,” it should continue to be treated as such for an additional period of at least 18 months, and should be returned to DEF as soon as the information is no longer necessary for the Commission to conduct its business. *See* §366.093(4), F.S.

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

Respectfully submitted this 15<sup>th</sup> day of October, 2015.

*s/Matthew R. Bernier*

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Attorneys for Duke Energy Florida, LLC

Duke Energy Florida  
**CERTIFICATE OF SERVICE**  
Docket No. 150001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via email this 15<sup>th</sup> day of October, 2015 to all parties of record as indicated below.

*s/Matthew R. Bernier*

Attorney

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# **Exhibit A**

**“CONFIDENTIAL”**

**(On file)**

# **Exhibit B**

**(On file)**

**Exhibit C**

**DUKE ENERGY FLORIDA  
Confidentiality Justification Matrix**

**(On file)**



**Revised Exhibit D**  
**AFFIDAVIT OF**  
**JOSEPH MCCALLISTER**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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Docket No. 150001-EI

Dated: October 15, 2015

**AFFIDAVIT OF JOSEPH MCCALLISTER IN SUPPORT OF  
DUKE ENERGY FLORIDA'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Joseph McCallister, who being first duly sworn, on oath deposes and says that:

1. My name is Joseph McCallister. I am over the age of 18 years old and I have been authorized by Duke Energy Florida (hereinafter "DEF" or the "Company") to give this affidavit in the above-styled proceeding on DEF's behalf and in support of DEF's First Request for Extension of Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Director of Natural Gas, Oil and Emissions in the Fuel Procurement Department. This section is responsible for natural gas, fuel oil and emission allowance activity for the Duke Energy Indiana (DEI), Duke Energy Kentucky (DEK), Duke Energy Carolinas (DEC), Duke Energy Progress (DEP), and DEF Systems.

3. As the Director of Natural Gas, Oil and Emissions, I am responsible, along with the other members of the section, for the management of the gas and oil

procurement, transportation, hedging activities and administration of gas and oil contracts with various suppliers for DEI's, DEK's, DEC's, DEF's and DEP's electrical power generation facilities.

4. DEF is seeking an extension of confidential classification for information contained in response to Staff's First Set of Interrogatories (Nos. 1-11), specifically questions 1, 3, 6, 8, Attachment A, C, and D and its response to Staff's First Request for the Production of Documents (No. 1), specifically Attachment A, contained in Exhibit A, redacted Exhibit B, and justification matrix C. The referenced Exhibits are on file with the Clerk. DEF's is requesting an extension of confidential classification of this information because it contains sensitive business information, the disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms.

5. DEF negotiates with potential fuel suppliers to obtain competitive contracts for fuel options that provide economic value to DEF and its customers. In order to obtain such contracts at competitive prices, however, DEF must protect from public disclosure sensitive business information, such as bid evaluations, pricing, and fuel quantities. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed the RFP bid evaluations for natural gas and light oil. Absent such measures, suppliers would have access to sensitive business information. With this non-public information, suppliers could alter their behavior to the detriment of DEF and its customers. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts and its fuel suppliers, the Company's efforts to obtain competitive fuel supply contracts that provide economic value to both DEF and its customers could be undermined.

6. Additionally, the disclosure of confidential information could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive supply options that provide economic value to both DEF and its customers could be compromised by DEF's competitors changing their consumption or purchasing behavior with the relevant markets.

7. Upon receipt of confidential information from fuel suppliers, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including restricting access to those persons who need the information to assist the Company, and restricting the number of, and access to the information and contracts. At no time since receiving the contracts and information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 14<sup>th</sup> day of October, 2015.

*Joseph McCallister*

(Signature)

Joseph McCallister  
Director – Natural Gas, Oil and Emissions  
Fuels Procurement Department  
Duke Energy  
526 South Church  
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 14 day of October, 2015 by Joseph McCallister. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

*Katie Jamieson*

(Signature)

Katie Jamieson

(Printed Name)

NOTARY PUBLIC, STATE OF NC

June 14, 2016

(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)

(Serial Number, If Any)



**Revised Exhibit D**  
**AFFIDAVIT OF**  
**BRETT PHIPPS**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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Docket No. 150001-EI

Dated: October 15, 2015

**AFFIDAVIT OF BRETT PHIPPS IN SUPPORT OF  
DUKE ENERGY FLORIDA'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Brett Phipps, who being first duly sworn, on oath deposes and says that:

1. My name is Brett Phipps. I am over the age of 18 years old and I have been authorized by Duke Energy Florida (hereinafter "DEF" or the "Company") to give this affidavit in the above-styled proceeding on DEF's behalf and in support of DEF's First Request for Extension of Confidential Classification(the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Managing Director of Fuel Procurement in the Fuels and Power Optimization Department. This section is responsible for fuel acquisition for the Duke Energy Indiana (DEI), Duke Energy Kentucky (DEK), Duke Energy Carolina (DEC), and Duke Energy Progress (DEP), and DEF systems.

3. As the Managing Director of Fuel Procurement, I participate in all aspects of the overall strategic direction and commercial management of the purchase, delivery

and storage of fossil fuels that the Duke Energy regulated utilities use for the generation of electricity. As part of this activity, I monitor and provide guidance in the various areas of fuel markets, including feedback regarding supply and demand, price, quality, availability, economics and deliverability. These fuel reviews cover both existing and potential future supply sources. I also supervise the Company's fuel procurement activity, including the negotiation and administration of long-term and spot purchase contracts. In addition to fuels, I also supervise procurement of reagents (products used by environmental control systems), optimization emission allowances, commercial strategy for coal combustion products and byproducts, and the overall fuel inventories for the regulated fossil generation fleet.

4. DEF is seeking an extension of confidential classification for certain information provided in the responses to Staff's First Set of Interrogatories (Nos. 1-11), specifically questions 1, 3, 6, and 8 and Attachments A, C and D and to Staff's First Request for Production of Documents, (No. 1), specifically Attachment A, contained in Exhibit A, redacted Exhibit B, and justification matrix C. The referenced Exhibits are on file with the Clerk. DEF's is requesting an extension of confidential classification of this information because it contains sensitive business information, the disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms.

5. DEF negotiates with potential fuel suppliers to obtain competitive contracts for fuel options that provide economic value to DEF and its customers. In order to obtain such contracts, however, DEF must be able to assure fuel suppliers that sensitive business information, such as bid evaluations and coal supply contracts, will be



kept confidential. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed confidential information pertaining to the coal supply contracts. Absent such measures, suppliers would run the risk that sensitive business information that they provided in their bids/contracts with DEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with DEF might decide not to do so if DEF did not keep specific information confidential. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and fuel suppliers, the Company's efforts to obtain competitive fuel supply contracts could be undermined.

6. Additionally, the disclosure of confidential information could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive fuel supply options that provide economic value to both DEF and its customers could be compromised by DEF's competitors changing their consumption or purchasing behavior within the relevant markets.

7. Upon receipt of confidential information from fuel suppliers, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including restricting access to those persons who need the information to assist the Company, and restricting the number of, and access to the information. At no time since receiving the contract information in question has the Company publicly disclosed that information.

The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

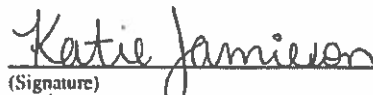
Further affiant sayeth not.

Dated the 14 day of October, 2015.



(Signature)  
Brett Phipps  
Managing Director – Fuel Procurement  
Fuels and Power Optimization Department  
Duke Energy  
526 South Church Street  
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 14 day of October, 2015 by Brett Phipps. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.



(Signature)

Katie Jamieson

(Printed Name)

NOTARY PUBLIC, STATE OF NC

June 14, 2016

(Commission Expiration Date)

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

