



Matthew R. Bernier  
Senior Counsel  
Duke Energy Florida, LLC

November 13, 2015

**VIA ELECTRONIC FILING**

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

Re: *Nuclear Cost Recovery Clause; Docket No. 150009-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 contained in Staff’s Audit Work-papers, *Audit Control No. 08-248-2-3* (document number 04693-09) filed in docket no. 090009-EI and Revised Exhibit D, Affidavit of Garry Miller 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: Nuclear Cost Recovery  
Clause

Docket No. 150009-EI

Dated: November 13, 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 (“Request”) for certain information contained in portions of the documents and information provided to the Florida Public Service Commission Staff’s (“Staff”) auditors in response to Staff’s review, *Audit Control No. 08-248-2-3* submitted in Docket No. 090009 on May 14, 2009. In support of the Request, DEF<sup>1</sup> states as follows:

1. On May 14, 2009, DEF filed a request for confidential classification of certain information contained in portions of the documents and information provided to Staff in response to Staff’s review, *Audit Control No. 08-248-2-3* (document no. 04693-09) includes sensitive business information as it contains confidential proprietary business information.

2. DEF’s May 14, 2009 Request was granted by Order No. PSC-14-0233-CFO-EI on May 13, 2014. The period of confidential treatment granted by that order will expire on November 13, 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.

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<sup>1</sup> The confidential information at issues was provided to the Commission by DEF’s predecessor, Progress Energy Florida, Inc. (“PEF”).

3. DEF submits that certain information contained in portions of the documents and information provided in response to Staff's review of *Audit Control No. 08-248-2-3* contained in DEF's confidential Exhibit A to the May 14, 2009 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* Affidavit of Garry Miller at ¶¶ 4-5, 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* Affidavit of Garry Miller ¶ 6.

4. Nothing has changed since the issuance of Order No. PSC-14-0232-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 13<sup>th</sup> day of November, 2015.

*s/Matthew R. Bernier*

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Attorneys for Duke Energy Florida, LLC

# **Exhibit A**

**“CONFIDENTIAL”**

**(On file)**

# **Exhibit B**

**(On file)**

**DUKE ENERGY FLORIDA  
Confidentiality Justification Matrix**

**(On file)**

**Revised Exhibit D  
Affidavit of  
Garry Miller**



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery  
Clause

Docket No. 150009-EI

Dated: November 13, 2015

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**AFFIDAVIT OF GARRY MILLER IN SUPPORT OF DUKE ENERGY  
FLORIDA'S 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 Garry Miller, who being first duly sworn, on oath deposes and says that:

1. My name is Garry Miller. I am employed by Duke Energy Corporation ("Duke Energy") in the capacity of Senior Vice President of Ash Basin Strategic Action Team ("ABSAT")-Engineering. I am over the age of 18 years old and I have been authorized to give this affidavit in the above-styled proceeding on Duke Energy Florida's ("DEF" or the "Company") behalf and in support of DEF's Request for Extension of Confidential Classification regarding certain information contained in the responsive documents to *Audit Control No. 08-248-2-3*, filed on May 14, 2009 in Docket No. 090009-EI (document no.04693-09). The facts attested to in my affidavit are based upon my personal knowledge.

2. As Senior Vice President of Ash Basin Strategic Action Team ("ABSAT")-Engineering, I am responsible for strategic planning to close Duke Energy ash basins, including development of strategic plans, vetting those plans with the applicable regulators, and working with ABSAT Project Management on action plans to implement the strategic plans.

3. DEF is seeking an extension of confidential classification for certain information contained in the responsive documents to *Audit Control No. 08-248-2-3*, filed in docket no.

090009. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix C. The referenced Exhibits are on file with the Clerk. DEF 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.

4. DEF negotiates with vendors to obtain competitive contracts that provide economic value to DEF and its customers. In order to negotiate and obtain such contracts at competitive prices, however, DEF must be able to assure its vendors that sensitive business information such as contractual data, including pricing agreements, and other financial terms will be kept confidential. The documents and information at issue in this Request contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties; DEF has kept confidential and has not publicly disclosed the confidential information. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and vendors, the Company's efforts to obtain competitive terms would be undermined.

5. Additionally, revealing the contractual terms to third parties would violate DEF's confidentiality agreements. The disclosure of confidential information between DEF and its vendors could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to negotiate and obtain favorable contractual terms that provide economic value to both DEF and its customers could be compromised. If other third parties were made aware of confidential contractual terms that DEF has with other parties, they may offer less competitive contractual terms in future contractual negotiations.

6. Upon receipt of this confidential information, 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. At no time since negotiating and receiving the contracts has the Company publicly disclosed the information or the terms of the contracts at issue. The Company has treated and continues to treat the information at issue as confidential.


7. This concludes my affidavit.

Further affiant sayeth not.

Dated this 12 day of November, 2015.

  
\_\_\_\_\_  
(Signature)  
Garry Miller

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 12<sup>th</sup> day of November, 2015 by Garry Miller. He is personally known to me, or has produced his North Carolina driver's license, or his \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
(Signature)

LISA SALVADOR  
\_\_\_\_\_  
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF South Carolina

June 21, 2016  
\_\_\_\_\_  
(Commission Expiration Date)

\_\_\_\_\_  
(Serial Number, If Any)



LISA SALVADOR  
NOTARY PUBLIC  
State of South Carolina  
My Commission Expires  
June 21, 2016

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 13<sup>th</sup> day of November, 2015.

s/Matthew R. Bernier

Attorney

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