



Matthew R. Bernier
Senior Counsel
Duke Energy Florida, LLC

December 18, 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 information contained in DEF's Response to Citizen's First Set of Interrogatories (Nos. 1-33), specifically questions 2, 3, 4, 11, 13, and 14 (document number 03163-14) filed in docket no. 140009-EI, and Revised Exhibit D, Affidavit of Christopher Fallon 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

In re: Nuclear Cost Recovery
Clause

Docket No. 150009-EI

Dated: December 18, 2015

**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 the response to Citizen’s First Set of Interrogatories to Duke Energy Florida (Nos. 1-33), specifically nos. 2, 3, 4, 11, 13, and 14 submitted in Docket No. 140009 on June 20, 2014.

In support of the Request, DEF states as follows:

1. On June 20, 2014, DEF filed a request for confidential classification of certain information contained in the response to Citizen’s First Set of Interrogatories to Duke Energy Florida (Nos. 1-33), specifically nos. 2, 3, 4, 11, 13, and 14 (document no. 03163-14). DEF incorporates Exhibits A, B, and C of the June 20, 2014 Request as if attached hereto.

2. DEF’s June 20, 2014 Request was granted by Order No. PSC-14-0344-CFO-EI on July 7, 2014. The period of confidential treatment granted by that order will expire on January 7, 2016. The information at issue 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 information contained in the response to Citizen’s First Set of Interrogatories to Duke Energy Florida (Nos. 1-33), specifically nos. 2, 3, 4, 11, 13, and 14 continues to be “proprietary confidential business information” within the meaning of section

366.093(3), F.S., and continues to require confidential classification. *See* Affidavit of Christopher M. Fallon 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 Christopher M. Fallon ¶ 6.

4. Nothing has changed since the issuance of Order No. PSC-14-0344-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 18th day of December, 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
Christopher M. Fallon**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery
Clause

Docket No. 150009-EI

Dated: December 18, 2015

**AFFIDAVIT OF CHRISTOPHER M. FALLON 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 Christopher M. Fallon, who being first duly sworn, on oath deposes and says that:

1. My name is Christopher M. Fallon. I am employed by Duke Energy Corporation ("Duke Energy") in the capacity of Vice President of Nuclear Development. 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 (the "Request") regarding certain information contained in the response to Citizen's First Set of Interrogatories to Duke Energy Florida (Nos. 1-33), specifically nos. 2, 3, 4, 11, 13, and 14 submitted in Docket No. 140009 on June 20, 2014 (document no.03163-14). The facts attested to in my affidavit are based upon my personal knowledge.

2. As Vice President of Nuclear Development, I am responsible for the licensing and engineering design for the Levy Nuclear Power Plant Project ("LNP" or "Levy"), including the direct management of the Engineering, Procurement, and Construction ("EPC") Agreement with Westinghouse Electric Company, LLC ("WEC") and Stone & Webster, Inc. ("S&W") (collectively, the "Consortium").

3. DEF is seeking an extension of confidential classification for certain information contained in the response to Citizen's First Set of Interrogatories to Duke Energy Florida (Nos. 1-33), specifically nos. 2, 3, 4, 11, 13, and 14 submitted in Docket No. 140009. 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's Response to Citizen's First Set of Interrogatories (Nos. 1-33), specifically nos. 2, 3, 4, 11, 13 and 14, contain sensitive proprietary and confidential cost information related to obtaining the Levy Nuclear Project ("LNP") Combined Operating License ("COL") and disposition of long lead time equipment ("LLE"). 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 capital costs numbers, settlement information, and other financial terms will be kept confidential. The contracts 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 pertaining to the LNP COL pursuit costs or information containing to the disposition of the LLE. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and vendors, the Company's efforts to obtain competitive contracts would be undermined.

5. Additionally, revealing LNP COL related costs and LLE Disposition terms to third parties may compromise DEF's ability to negotiate additional contracts on a favorable

basis. 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 all 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 15th day of December, 2015.

Christopher M. Fallon
(Signature)
Christopher M. Fallon

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 15th day of December, 2015 by Christopher M. Fallon. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

Teresa D. Neely
(Signature)
TERESA D. NEELY
(Printed Name)
NOTARY PUBLIC, STATE OF NC
9/2/2020
(Commission Expiration Date)

(Serial Number, If Any)



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 18th day of December, 2015.

s/Matthew R. Bernier

Attorney

<p>Martha Barrera, Esq. Kyesha Mapp, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 mbarrera@psc.state.fl.us kmapp@psc.state.fl.us</p> <p>Kenneth Hoffman Florida Power & Light Company 215 S. Monroe Street, Suite 810 Tallahassee, FL 32301-1859 ken.hoffman@fpl.com</p> <p>J. Michael Walls, Esq. Blaise N. Gamba, Esq. Carlton Fields Jordan Burt P.O. Box 3239 Tampa, FL 33601-3239 mwalls@cfjblaw.com bgamba@cfjblaw.com</p> <p>Bryan Anderson, Esq. Jessica Cano, Esq. Florida Power & Light Company 700 Universe Boulevard June Beach, FL 33408-0420 bryan.anderson@fpl.com jessica.cano@fpl.com</p> <p>George Cavros, Esq. Southern Alliance for Clean Energy 120 E. Oakland Park Blvd., Suite 105 Fort Lauderdale, FL 33334 George@cavros-law.com</p> <p>Victoria Mendez City of Miami 444 SW 2nd Avenue, Suite 945 Miami, FL 33130-1910 vmendez@miamigov.com</p>	<p>J.R.Kelly Charles J. Rehwinkel Erik L. Saylor Patty Christensen Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399 kelly.jr@leg.state.fl.us rehwinkel.charles@leg.state.fl.us saylor.erik@leg.state.fl.us christensen.patty@leg.state.fl.us</p> <p>James W. Brew, Esq. Owen J. Kopon, Esq. Laura A. Wynn, Esq. Stone Matheis Xenopoulos & Brew, PC 1025 Thomas Jefferson Street NW 8th Floor, West Tower Washington, DC 20007 jbrew@smxblaw.com ojk@smxblaw.com laura.wynn@smxblaw.com</p> <p>Jon C. Moyle, Jr., Esq. Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com</p> <p>Robert Scheffel Wright, Esq. John T. LaVia III, Esq. Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p>
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