



DIANNE M. TRIPLETT
ASSOCIATE GENERAL COUNSEL

April 27, 2016

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COMMISSION
CLERK

VIA UPS OVERNIGHT

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

Re: Docket No. 160001-EI; Request for Specified Confidential Treatment of 423 Forms

Dear Ms. Stauffer:

Please find enclosed for filing Duke Energy Florida, LLC's ("DEF") Request for Confidential Classification for DEF's revised 423 Forms for the month of October 2015. The confidential 423 Form information is attached in a sealed envelope.

Forms 423-1 and 423-1a have been revised to reflect the Volume (Bbls) (k) that was omitted in the original filing on January 28, 2016.

Thank you for your assistance in this matter. Please feel free to call me at (727) 820-4692 should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Dianne M. Triplett".

Dianne M. Triplett
Associate General Counsel

DMT/db
Enclosures

cc: Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost
Recovery Clause and Generating
Performance Incentive Factor

Docket No. 160001-EI

Filed: April 27, 2016

REQUEST FOR CONFIDENTIAL CLASSIFICATION

Duke Energy Florida, LLC (DEF or the Company), pursuant to Section 366.093, F.S., and Rule 25-22.006, F.A.C., hereby requests confidential classification of the highlighted information on its revised FPSC Fuel Report for the month of October 2015 (the 423 Report), which is contained in the sealed envelope enclosed with this Request as Attachment A. A public version of the 423 Report, with the confidential information redacted, is attached to each filed copy of this Request. In support hereof, DEF states as follows.

1. Subsection 366.093(1), F.S., provides that any records “found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1) [requiring disclosure under the Public Records Act].” Proprietary confidential business information includes, but is not limited to, “[i]nformation concerning . . . 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.” § 366.093(3)(d), Fla. Stat.. The designated portions of the 423 Report fall within

this statutory category and, thus, constitute propriety confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

2. Attachment C to this Request is a matrix providing justification and support for confidential classification of the highlighted information in Form 423-1A on a line-by-line, column-by-column basis.

3. The designated information for which confidential classification is sought by this Request is intended to be and is treated by the Company as private and has not been publicly disclosed.

4. DEF requests that the confidential information contained in the 423 Report be protected from disclosure for a period of 24 months. For the reasons explained in Attachment B to this Request, this is the minimum time necessary to ensure that purposes for which confidential classification is granted are not contravened and frustrated by a premature subsequent disclosure. In addition, DEF asks that the version of the 423 Report containing the highlighted information be returned to the Company when the Commission no longer needs the information to conduct its business, in accordance with Rule 25-22.006(9)(b), F.A.C.

WHEREFORE, DEF requests that the highlighted information in its 423 Report enclosed with this Request be accorded confidential classification for the reasons set forth in Attachment C, and that such confidential classification be maintained for a duration of 24 months for the reasons set forth in Attachment B.

Respectfully submitted,



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Attachment C

Justification Matrix

Reporting Period: October 2015

FORM 423-1A (Revised)		
Line No.	Column	Justification
1 October 2015	H	(1) §366.093(3)(d) The information under "Invoice Price", identifies the basic component of the contract pricing mechanism. Disclosure of the invoice price, particularly if in conjunction with information under other columns discussed below, would enable suppliers to determine the pricing mechanisms of their competitors. The likely result would be greater price convergence in future bidding. Disclosure would also result in a reduced ability on the part of a major purchaser such as DEF to bargain for price concessions, since suppliers would be reluctant or unwilling to grant concessions that other potential purchasers would then expect.
1 October 2015	I	(2) §366.093(3)(d) Disclosure of the Invoice Amount, when divided by the Volume figure available from column G, would also disclose the Invoice Price in column.
1 October 2015	J	(3) §366.093(3)(d) Disclosure of the Discount, in conjunction with other information under columns K, L, M or N, could also disclose the Invoice Price shown in column H by mathematical deduction. In addition, disclosure of discounts resulting from bargaining concessions would impair the ability of DEF to obtain such concessions in the future for the reasons discussed in item (1) above.
1 October 2015	K	(4) §366.093(3)(d) See item (3) above.
1 October 2015	L	(5) §366.093(3)(d) See item (3) above.
1 October 2015	M	(6) §366.093(3)(d) See item (3) above.
1 October 2015	N	(7) §366.093(3)(d) See item (3) above. This column is particularly sensitive because it is usually the same as or only slightly different from the Invoice Price in column H.
1 October 2015	O	(8) §366.093(3)(d) Disclosure of the Transportation to Terminal Charges, in conjunction with the information under column P, would also disclose the Effective Purchase Price in column N by subtracting them from the Delivered Price available in column Q.
1 October 2015	P	(9) §366.093(3)(d) See item (8) above.

Attachment B

Explanation of the Need to Maintain Confidential Classification for a 24-Month Duration

The majority of the fuel and transportation contracts from which the costs in the 423 Report are derived contain annual price adjustment provisions. If existing or potential fuel and transportation suppliers were to obtain confidential contract pricing information for a prior reporting month within the currently effective 12-month adjustment period, current pricing information would be disclosed. In addition, if contractual pricing information for a reporting month in the previous 12-month adjustment period were to be obtained, the information would be only one adjustment removed from the current price. Suppliers knowledgeable in the recent escalation experience of their market could readily calculate a reasonably precise estimate of the current price.

To guard against providing suppliers with such a competitive advantage, confidential information must be protected from disclosure for the initial 12-month period in which it could remain current, and for the following 12-month period in which it can be readily converted into essentially current information. For example, if information for the first month under an adjusted contract price is reported in May of Year 1, the information will remain current through April of Year 2. Thereafter, the initial May, Year 1 information will be only one escalation adjustment removed from the current information reported each month through April, Year 3. If confidential classification of the May, Year 1 information were to expire after 18 months, suppliers would be able to accurately estimate current prices in October, Year 2 using information that had been current only six months earlier.

An 18-month confidentiality period would effectively waste the protection given in the first six months of the second 12-month pricing period (months 13 through 18) by

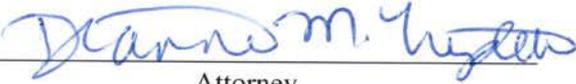
disclosing information of the same vintage in the last six months of the pricing period. The information disclosed in months 19 through 24 would be equally as detrimental in terms of revealing the current price as the information protected from disclosure during the preceding six months. To make the protection provided in months 13 through 18 meaningful, it must be extended through month 24.

Extending the confidentiality period by six months would mean that the information will be one additional price adjustment further removed from the current price at the time of disclosure. Simply put, a six-month extension provides an additional 12 months of protection.

CERTIFICATE OF SERVICE

Docket No. 160001-EI

I HEREBY CERTIFY that a true copy of Duke Energy Florida, LLC's foregoing Request for Confidential Classification has been furnished to the following individuals via email on this 27th day of April, 2016.



Attorney

<p>Danijela Janjic John Villafrate Suzanne Brownless Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us djanjic@psc.state.fl.us jvillafr@psc.state.fl.us</p> <p>James D. Beasley J. Jeffrey Wahlen Ashley M. Daniels Ausley McMullen Law Firm P.O. Box 391 Tallahassee, FL 32302 jbeasley@ausley.com jwahlen@ausley.com adaniels@ausley.com</p> <p>Jeffrey A. Stone Russell A. Badders Steven R. Griffin Beggs & Lane P.O. Box 12950 Pensacola, FL 32591 jas@beggslane.com rab@beggslane.com srg@beggslane.com</p> <p>James W. Brew Laura A. Wynn Stone Matheis Xenopoulos & Brew 1025 Thomas Jefferson Street NW 8th Floor, West Tower Washington, DC 20007 jbrew@smxblaw.com law@smxblaw.com</p>	<p>Mike Cassel, Director Regulatory Affairs Florida Public Utilities Company 1750 S 14th Street, Suite 200 Fernandina Beach, FL 32034 mcassel@fpuc.com</p> <p>Robert L. McGee, Jr. Gulf Power Company One Energy Place Pensacola, FL 32520-0780 rlmcgee@southernco.com</p> <p>Beth Keating Gunster, Yoakley & Stewart, P.A. 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 bkeating@gunster.com</p> <p>Charles J. Rehwinkel / Erik Sayler J.R. Kelly / Patty Christensen Tarik Noriega Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400 rehwinkel.charles@leg.state.fl.us sayler.erik@leg.state.fl.us kelly.jr@leg.state.fl.us christensen.patty@leg.state.fl.us noriega.tarik@leg.state.fl.us</p> <p>Robert Scheffel Wright John T. LaVia, III c/o Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p>	<p>Ms. Paula K. Brown Manager, Regulatory Coordination Tampa Electric Company P.O. Box 111 Tampa, FL 33601 regdept@tecoenergy.com</p> <p>John Butler Maria Moncada Florida Power & Light Company 700 Universe Boulevard (LAW/JB) Juno Beach, FL 33408-0420 john.butler@fpl.com maria.moncada@fpl.com</p> <p>Kenneth Hoffman Florida Power & Light Company 215 S. Monroe Street, Suite 810 Tallahassee, FL 32301-1858 ken.hoffman@fpl.com</p> <p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com</p> <p>Raoul G. Cantero, III White & Case, LLP Southeast Financial Center, Suite 4900 200 South Biscayne Boulevard Miami, FL 33131-2352 rcantero@whitecase.com</p>
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