

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for limited proceeding for
recovery of incremental storm restoration
costs related to Hurricanes Irma and Nate by
Duke Energy Florida, LLC

Docket No. 20170272-EI

Dated: September 7, 2018

**DUKE ENERGY FLORIDA, LLC'S CORRECTED FOURTH
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Duke Energy Florida, LLC (“DEF”), hereby moves pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, for entry of a temporary protective order covering supplemental production served on September 6, 2018 which contains confidential documents and information sought in discovery by the Office of Public Counsel (“OPC”) and as grounds therefore states as follows:

1. On September 6, 2018, DEF filed a Third Motion for Temporary Protective Order. The Third Motion for Temporary Protective Order was incorrectly numbered because DEF had previously filed its Third Motion for Temporary Protective Order on August 16, 2018 (DN 05349-2018). DEF hereby submits a corrected Fourth Motion for Temporary Protective Order to replace its September 6, 2018 motion referenced above.

2. In its First Request for Production of Documents (Nos. 1-10), OPC has requested confidential information and documents, specifically, portions of the documents produced in response to Requests 6 and 9. The documents responsive to these requests for production contain confidential contractor invoices. DEF is required to maintain the confidentiality of its contractors’ confidential information, including contractor rates, contained within the documents at issue. Confidential protection of this information is requested because public disclosure of this information could adversely affect the Company’s ability to negotiate future contracts and/or

secure required resources during a storm response event, therefore impacting the company's competitive interest and ultimately having a detrimental impact on DEF's customers. Disclosure of this information may cause harm to the company's business operations and this information has not been disclosed or released to the public. *See* Section 366.093(3)(d), Fla. Stat.

3. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, direct that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by public counsel as confidential and shall be exempt from the public records law, Chapter 119.07(1), Florida Statutes. DEF, by this motion, is seeking protection of all confidential documents and information that DEF will produce to OPC in this matter pursuant to OPC's First Request for Production of Documents as more specifically stated above. By following this procedure and producing these documents and information, DEF is not waiving its right to seek further relief as necessary to make certain that its confidential, proprietary, business information is not publicly disclosed during any public hearing in this docket.

4. DEF further requests that in connection with the entry of a temporary protective order, the Commission also require Public Counsel to provide DEF with notice of its intent to use such confidential documents and information in connection with the hearing in this matter.

WHEREFORE, DEF requests that the Commission enter an Order granting its Fourth Motion for Temporary Protective Order relating to information identified as confidential and produced in response to OPC's First Request for Production of Documents, instructing Public Counsel to continue to treat it as confidential, and requiring Public Counsel to provide DEF with notice of its intent to use such confidential information in connection with the hearing in accord with the prehearing order governing procedure.

Respectfully submitted this 7th day of September, 2018.

/s/ Matthew R. Bernier

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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 7th day of September, 2018.

/s/ Matthew R. Bernier

Attorney

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