



Dianne M. Triplett
Deputy General Counsel
Duke Energy Florida, LLC.

February 20, 2020

VIA ELECTRONIC FILING

Adam Teitzman, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: *Petition of Duke Energy Florida, LLC for Issuance of a Nuclear Asset Recovery
Financing Order; Docket No. 20150171-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC (“DEF”), DEF’s Second Request for Extension of Confidential Classification concerning certain information contained in Staff’s audit workpapers (Audit Control No. 16-270-2-1) filed in the above referenced docket and Revised Exhibit D, Affidavit of Marcia Olivier. 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/Dianne M. Triplett

Dianne M. Triplett

DMT/mw
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Duke Energy Florida, Inc.
For Approval to Include In Base Rates the Revenue
Requirement for the CR3 Regulatory Asset

Docket No. 150148-EI

In re: Petition of Duke Energy Florida, Inc.
For Issuance of a Nuclear Asset Recovery
Financing Order

Docket No. 150171-EI

Submitted for Filing
February 20, 2020

**DUKE ENERGY FLORIDA, LLC'S
SECOND 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.), hereby submits its Second Request for Extension of Confidential Classification of certain information provided to the Florida Public Service Commission (“FPSC” or “Commission”) Staff (“Staff”) during the FPSC’s Audit of actual up-front bond issuance costs in the above-referenced DEF dockets (Audit Control No. 16-270-2-1), including portions of DEF’s Responses to Audit Document Requests, specifically certain information contained in Staff’s audit workpapers (Document No. 08722-16). In support of this Request, DEF states as follows:

1. On November 23, 2016, DEF filed a Request for Confidential Classification of information contained in Staff’s audit workpapers concerning actual up-front bond issuance costs (Audit Control No. 16-270-2-1). The Commission granted DEF’s Request for Confidential Classification in Order No. PSC-2017-0050-CFO-EI, dated February 10, 2017.

2. On August 9, 2018, DEF filed its First Request for Extension of Confidential Classification. The Commission granted DEF’s First Request for Confidential Classification in Order No. PSC-2018-0443-CFO-EI, dated August 30, 2018. The period of confidential treatment

granted by that order will expire on February 28, 2020, therefore, this request is timely.

3. The above-referenced audit workpapers were granted confidential classification because they contain proprietary and confidential business information which the Company does not disclose to the public, including sensitive business information, such as contractual, financial, vendor and employee information, the disclosure of which would harm the Company's competitive business interests and, in many cases, would violate contractual confidentiality clauses. The Company continues to treat the information contained in the audit workpapers as confidential and does not disclose it to the public. 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 Second Request for Extension of Confidential Classification.

4. DEF submits that the confidential information contained in confidential Exhibit A to the November 23, 2016 Request 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 Marcia Olivier at ¶¶ 3-5, 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 Marcia Olivier ¶ 5.

5. Nothing has changed since the issuance of Order No. PSC-2018-0443-CFO-EI, to render the information stale or public such that continued confidential treatment would not be appropriate. *Id.* 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 that this Second Request for Extension of Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 20th day of February, 2020.

s/ Dianne M. Triplett

DIANNE M. TRIPLETT

Deputy General Counsel

299 First Avenue North

St. Petersburg, FL 33701

T: 727-820-4692

F: 727-820-5041

Email: Dianne.Triplett@duke-energy.com

MATTHEW R. BERNIER

Associate General Counsel

106 East College Avenue, Suite 800

Tallahassee, Florida 32301

T: 850-521-1428

F: 727-820-5519

Email: Matthew.Bernier@duke-energy.com

Attorneys for Duke Energy Florida, LLC

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 20th day of February, 2020.

s/ Dianne M. Triplett

Attorney

<p>Theresa L. Tan Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 ltan@psc.state.fl.us</p> <p>Jon C. Moyle, Jr. / Karen A. Putnal 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com kputnal@moylelaw.com</p> <p>Robert Scheffel Wright / John T. LaVia, III Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p>	<p>C. Rehwinkel / J. Kelly Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 rehwinkel.charles@leg.state.fl.us kelly.jr@leg.state.fl.us</p> <p>James W. Brew Stone Law Firm 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007-5201 jbrew@smxblaw.com</p>
--	---

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval to include in base rates the revenue requirement for the CR3 regulatory asset, by Duke Energy Florida, Inc.

DOCKET NO. 150148-EI

In re: Petition for issuance of nuclear asset-recovery financing order, by Duke Energy Florida, Inc. d/b/a Duke Energy.

DOCKET NO. 150171-EI

DATED: February 20, 2020

**AFFIDAVIT OF MARCIA OLIVIER IN SUPPORT OF
DUKE ENERGY FLORIDA'S
SECOND REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Marcia Olivier. 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 Second Request for Extension of Confidential Classification regarding the documents produced in response to Audit Control No. 16-270-2-1, i.e., Staff's audit workpapers (Document No. 08722-16) (hereinafter the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Director of Rates and Regulatory Planning for Florida. This section is responsible for overseeing rate cases, reporting actual and projected earnings surveillance results, and supporting state regulatory initiatives for DEF. As the Director of

Rates and Regulatory Planning, I am responsible, along with the other members of the section, for calculating and itemizing DEF's total CR3 regulatory asset value consistent with the Revised and Restated Stipulation and Settlement Agreement ("RRSSA").

3. DEF is seeking an extension of confidential classification for portions of Florida Public Service Commission Staff-Generated Auditors' Workpapers (the "Workpapers"). These workpapers relate to Staff's Audit of actual up-front bond issuance costs. 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 and services on favorable terms.

4. Portions of the workpapers, contain sensitive business information including contractual legal service costs and banking information of law firms, consulting firms, and investor rating service companies retained by DEF to work on the securitization project. These law firms, consulting firms, and financial service advisors provided legal advice, opinions, and guidance on various issues related to complicated CR3 securitization and bond issuance matters. Portions of these workpapers contain competitive contractual legal and consulting expenses including rates and costs of the law firms and consulting firms, that would adversely impact DEF's competitive business interests if disclosed to the public. In order to obtain specialized legal, financial, and consulting assistance related to the up-front bond issuance, DEF must be able to assure these firms that sensitive business information, such as service fees, banking information, attorney and consultant billing rates and estimated costs for representation will be kept confidential.

5. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed confidential billing rates and similar competitive information. Strict procedures are established and followed to maintain the confidentiality of the terms of the agreements 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 documents. The Company has treated and continues to treat the information and documents at issue as confidential. Nothing has changed since the Commission granted DEF's original Request for Confidential Classification to render it stale or public information. Accordingly, the confidential treatment of this information should be continued.

6. This concludes my affidavit.

Dated the 19th day of February, 2020.

Marcia Olivier

(Signature)

Marcia Olivier

Director of Rates and Regulatory Planning

Duke Energy Florida, LLC

299 First avenue North

St. Petersburg, FL 33701

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 19th day of February, 2020 by MARCIA OLIVIER. She is personally known to me, or has produced her driver's license, or her _____ as identification.

Monique West

(Signature)

Monique West

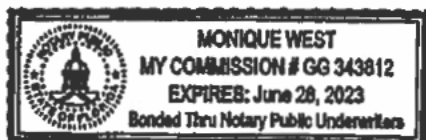
(Printed Name)

NOTARY PUBLIC, STATE OF FLORIDA

June 28 2023

(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



(Serial Number, If Any)