



Matthew R. Bernier
Associate General Counsel
Duke Energy Florida, LLC.

June 19, 2020

VIA ELECTRONIC FILING

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

Re: *Fuel and purchased power cost recovery clause with generating performance incentive factor; Docket No. 20200001-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC (“DEF”), DEF’s Request for Extension of Confidential Classification concerning certain information contained in its response to OPC’s Second Set of Interrogatories (Nos. 11-14), filed in docket no. 20180001-EI and Revised Exhibit D, Affidavit of Jeffrey Swartz. 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
Associate General Counsel
Matt.Bernier@duke-energy.com

MRB/mw
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating performance
incentive factor.

Docket No. 20200001-EI

Dated: June 19, 2020

**DUKE ENERGY FLORIDA LLC'S 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 this Request for Extension of Confidential Classification for certain information provided in its response to Office of Public Counsel’s (“OPC”) Second Set of Interrogatories (Nos. 11-14), served in docket no. 20170001-EI. The confidential documents were submitted in docket no. 20180001-EI on November 1, 2018. In support of this Request, DEF states:

1. On November 20, 2018, DEF filed a Request for Confidential Classification for information contained in its response to OPC’s Second Set of Interrogatories (Nos. 11-14), specifically question 12 (document number 07205-2018), which includes sensitive confidential business information such as terms of the settlement agreement.

2. DEF’s November 20, 2018, Request was granted by Order No. PSC-2018-0597-CFO-EI on December 21, 2018. The period of confidential treatment granted by that order will expire on June 22, 2018. 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 Request for Extension of Confidential Classification.

3. DEF submits that the portions of information provided in its response to OPC’s Second Set of Interrogatories (Nos. 11-14), identified in Exhibit “A” and Exhibit “C” to the November 20, 2018 Request¹ continues 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 Jeffrey Swartz at ¶ 4, 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 Jeffrey Swartz ¶¶ 5-7.

4. Nothing has changed since the issuance of Order No. PSC-2018-0597-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.

5. WHEREFORE, for the foregoing reasons, DEF respectfully requests that this Request for Extension of Confidential Classification be granted.

¹ DEF hereby incorporates Exhibits A , B, and C to the original Request, Document No. 07205-2018, submitted on November 20, 2018 in Docket No. 20180001-EI as if attached hereto.

RESPECTFULLY SUBMITTED this 19th day of June, 2020.

s/Matthew R. Bernier

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Attorneys for Duke Energy Florida, LLC

Duke Energy Florida, LLC
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via email this 19th day of June, 2020 to all parties of record as indicated below.

s/Matthew R. Bernier
Attorney

<p>Suzanne Brownless Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us</p> <p>J. Beasley / J. Wahlen / M. Means Ausley McMullen P.O. Box 391 Tallahassee, FL 32302 jbeasley@ausley.com jwahlen@ausley.com mmeans@ausley.com</p> <p>Russell A. Badders Gulf Power Company One Energy Place, Bin 100 Pensacola, FL 32520-0100 russell.badders@nexteraenergy.com</p> <p>Kenneth A. Hoffman Florida Power & Light Company 134 W. Jefferson Street Tallahassee, FL 32301-1713 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 mqualls@moylelaw.com</p>	<p>J.R. Kelly / T. David Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 kelly.jr@leg.state.fl.us david.tad@leg.state.fl.us</p> <p>Paula K. Brown Regulatory Affairs Tampa Electric Company P.O. Box 111 Tampa, FL 33601-0111 regdept@tecoenergy.com</p> <p>Maria Moncada / David Lee Florida Power & Light Company 700 Universe Blvd. (LAW/JB) Juno Beach, FL 33408-0420 maria.moncada@fpl.com david.lee@fpl.com</p> <p>James Brew / Laura W. Baker Stone Law Firm 1025 Thomas Jefferson St., N.W. Suite 800 West Washington, DC 20007 jbrew@smxblaw.com lwb@smxblaw.com</p> <p>Mike Cassel Florida Public Utilities Company 208 Wildlight Avenue Yulee, FL 32097 mcassel@fpuc.com</p> <p>Beth Keating Gunster, Yoakley & Stewart, P.A. 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 bkeating@gunster.com</p>
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Exhibit A

“CONFIDENTIAL”

(on file)

Exhibit B

REDACTED
(on file)

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

(on file)

Revised
Exhibit D
AFFIDAVIT OF
JEFFREY SWARTZ

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating
performance incentive factor.

Docket No. 20200001-EI

Dated: June 19, 2020

**AFFIDAVIT OF JEFFREY SWARTZ IN SUPPORT OF
DUKE ENERGY FLORIDA'S
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Jeffrey Swartz. 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 Request for Extension of Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Vice President of Florida Generation in the Fossil Hydro Operations Department. This section is responsible for overall leadership and strategic direction of DEF's power generation fleet.

3. As the Vice President of Florida Generation, I am responsible, along with the other members of the section, for strategic and tactical planning to operate and

maintain DEF's non-nuclear generation fleet, generation fleet project and additions recommendations, major maintenance programs, outage and project management, and retirement of generation facilities.

4. DEF is seeking an extension of confidential classification for certain information provided in its response to OPC's Second Set of Interrogatories (11-14), specifically question 12, submitted on November 1, 2018 in docket no. 20180001-EI. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix C (document no. 07205-2018). The referenced Exhibits are on file with the Clerk. DEF is requesting an extension of confidential classification of this information because it contains proprietary confidential sensitive business information, the disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms and impair the Company's competitive business interests.

5. The confidential information at issue relates to a settlement agreement, the terms of which require both DEF and its counterparty to maintain its confidentiality; therefore the agreement qualifies as proprietary and confidential business information. The information has been deemed confidential business information by DEF and its counterparties, the disclosure of which would impair the Company's ability to negotiate favorable terms and conditions. Furthermore, the information at issue relates to the competitive interests of DEF and its counterparties, the disclosure of which would impair the Company's competitive business interests and the interests of DEF's customers. DEF has kept confidential and has not publicly disclosed the confidential information pertaining to its settlement agreement. Without DEF's measures to maintain the

confidentiality of this sensitive business information, DEF's ability to contract with third-parties would be undermined.

6. Upon receipt of 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, and restricting the number of, and access to the information and contracts. At no time since receiving the information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information at issue as confidential.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the 9th day of JUNE, 2020.

Jeffrey Swartz

(Signature)

Jeffrey Swartz
Vice President Florida Generation
Duke Energy Florida, LLC
Florida Regional Headquarters
St. Petersburg, FL

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 9 day of June, 2020 by Jeffrey Swartz. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

Deanna Lee Carver

(Signature)

Deanna Lee Carver

(Printed Name)

NOTARY PUBLIC, STATE OF FL

July 18, 2022

(Commission Expiration Date)

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

