



July 15, 2020

VIA ELECTRONIC FILING

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

In re: Petition by Duke Energy Florida, LLC to Approve Transaction with Accelerated Decommissioning Partners, LLC for Accelerated Decommissioning Services at the CR3 Facility, etc. (the "Petition"); Docket No. 20190140-EI

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Thirteenth Request for Confidential Classification filed in connection with the information contained within the set of documents produced by DEF in response to the Office of Public Counsel's Notice of Deposition Duces Tecum filed on June 22, 2020, for the deposition of DEF's witness Terry Hobbs on June 25, 2020; specifically, Bates Nos. HOBBS DEP DT – 00001 through HOBBS DEP DT - 00050.

This filing includes the following:

- DEF's Thirteenth Request for Confidential Classification;
- Slipsheet for confidential Amended Exhibit A;
- Redacted Exhibit B (two copies);
- Exhibit C (justification matrix); and
- Exhibit D (unverified affidavit of Terry Hobbs).

DEF's confidential Amended Exhibit A that accompanies the above-referenced filing has been submitted under separate cover.

Mr. Adam Teitzman, Commission Clerk
Florida Public Service Commission
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Thank you for your assistance in this matter. Please feel free to call me at (813) 227-8114 should you have any questions concerning this filing.

Respectfully,

Shutts & Bowen LLP

/s/ Daniel Hernandez

Daniel Hernandez

Enclosures (as noted).

TPADOCS 23173317 1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC to Approve Transaction with Accelerated Decommissioning Partners, LLC for Accelerated Decommissioning Services at the CR3 Facility, Transfer of Title to Spent Fuel, and Assumption of Operations of the CR3 Facility Pursuant to the NRC License, and Request for Waiver From Future Application of Rule 25-6.04365, F.A.C. for Nuclear Decommissioning Study

DOCKET NO.: 20190140-EI

Submitted for Filing: July 15, 2020

**DUKE ENERGY FLORIDA, LLC'S THIRTEENTH
REQUEST FOR 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 Thirteenth Request for Confidential Classification (the “Request”) for certain information contained within the set of documents produced by DEF in response to the Office of Public Counsel’s (“OPC”) Notice of Deposition Duces Tecum filed on June 22, 2020, for the deposition of DEF’s witness Terry Hobbs on June 25, 2020; specifically, Bates Nos. HOBBS DEP DT – 00001 through HOBBS DEP DT - 00050 (the “Hobbs Depo DT Production”). In support of this Request, DEF states:

1. The information contained within the Hobbs Depo DT Production is “proprietary confidential business information” under Section 366.093(3), Florida Statutes.
2. The following exhibits are included with this Request:
 - (a) Sealed **Amended Exhibit A** is a package containing an unredacted copy of the information contained within the Hobbs Depo DT Production for which DEF seeks

confidential treatment. **Amended Exhibit A**¹ is being submitted separately in sealed envelope labeled “CONFIDENTIAL.” In the unredacted copy, the information asserted to be confidential is highlighted in yellow. Also in the unredacted copy, the information asserted to be confidential is stamped “CONFIDENTIAL” in red at the top of each page.

(b) **Composite Exhibit B** is two copies of the redacted information contained within the Hobbs Depo DT Production for which the Company requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) **Exhibit C** is a table which identifies, by the page and/or line, the information contained within the Hobbs Depo DT Production, the information for which DEF seeks confidential classification, and the specific statutory bases for seeking confidential treatment.

(d) **Exhibit D** is an affidavit attesting to the confidential nature of the information identified in this Request.²

3. As indicated in **Exhibit C**, the information for which DEF requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, the information contained within the Hobbs Depo DT Production describes, concerns, or relates to commercially sensitive confidential information concerning contractual business information and obligations under a contract between DEF, ADP CR3, LLC

¹ Confidential Amended Exhibit A is being submitted *only* for the purpose of providing a revised highlighted confidential version of HOBBS DEP DT – 00050, which was previously submitted to the Commission Clerk on June 24, 2020, as confidential in entirety, albeit without highlighting on the entire Excel native file (DN 03314-2020). DEF is asking that confidential Exhibit A (DN 03314-2020) be replaced with the enclosed **confidential Amended Exhibit A**.

² Due to the current circumstances with COVID-19, DEF is submitting this Request with an Unverified Affidavit. DEF will file a Verified Affidavit as soon as the climate allows.

and ADP SF1, LLC for decommissioning activities related to the accelerated decommissioning of the DEF Crystal River Unit 3 Nuclear Plant (the “CR3 Facility”), as well as confidential information that is either subject to current pending requests for confidential classification filed by DEF, or has already been found to be exempt from public disclosure under orders granting confidential classification that have been issued in this proceeding by the Florida Public Service Commission, the disclosure of which would not only impair the Company’s competitive business advantages but would also violate contractual requirements. DEF is obligated to maintain the confidentiality of this information under the subject contract, and therefore it qualifies for confidential classification. *See* §§ 366.093(3)(d) and (e), F.S.; Affidavit of Terry Hobbs at ¶¶ 5 and 6. If DEF cannot assure contracting parties that it can maintain the confidentiality of contractual terms, those parties and other similarly situated parties may forego entering contracts with DEF, which would impair the ability of the Company to negotiate contracts on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Terry Hobbs at ¶ 6. Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. The information identified as **Amended Exhibit A** is intended to be and is treated as confidential by the Company. *See* Affidavit of Terry Hobbs at ¶¶ 7 and 8. The information has not been disclosed to the public and the Company has treated and continues to treat the information at issue in this Request as confidential. *Id.*

5. DEF requests that the information identified in **Amended Exhibit A** be classified as “proprietary confidential business information” within the meaning of Section 366.093(3), F.S., that the information remain confidential for a period of at least eighteen (18) months as

provided in Section 366.093(4) F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

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

DATED this 15th day of July, 2020.

Respectfully submitted,

/s/ Daniel Hernandez

DANIEL HERNANDEZ

Florida Bar No. 176834

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Duke Energy Florida, LLC
Docket No.: 20190140-EI
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 15th day of July, 2020, to all parties of record as indicated below.

/s/ Daniel Hernandez

Attorney

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Suzanne Brownless Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us</p> | <p>J. R. Kelly / Charles J. Rehwinkel 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</p> |
| <p>Jon C. Moyle, Jr. Karen A. Putnal Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com kputnal@moylelaw.com</p> | <p>James W. Brew Laura Wynn Baker Stone Mattheis Xenopoulos & Brew, PC 1025 Thomas Jefferson Street, NW Suite 800 West Washington, DC 20007-5201 jbrew@smxblaw.com lwb@smxblaw.com</p> |

Amended Exhibit A

“CONFIDENTIAL”

(submitted under separate cover)

Exhibit B

REDACTED

(two copies)

**HOBBS DEP DT – 00001 through
HOBBS DEP DT – 00024**

**REDACTED IN
ENTIRETY**

**HOBBS DEP DT – 00025 through
HOBBS DEP DT – 00040**

**REDACTED IN
ENTIRETY**

**HOBBS DEP DT – 00041 through
HOBBS DEP DT – 00046**

**REDACTED IN
ENTIRETY**

**HOBBS DEP DT – 00047 through
HOBBS DEP DT – 00049**

**REDACTED IN
ENTIRETY**

**REDACTED IN
ENTIRETY**

**HOBBS DEP DT – 00001 through
HOBBS DEP DT – 00024**

**REDACTED IN
ENTIRETY**

**HOBBS DEP DT – 00025 through
HOBBS DEP DT – 00040**

**REDACTED IN
ENTIRETY**

**HOBBS DEP DT – 00041 through
HOBBS DEP DT – 00046**

**REDACTED IN
ENTIRETY**

**HOBBS DEP DT – 00047 through
HOBBS DEP DT – 00049**

**REDACTED IN
ENTIRETY**

**REDACTED IN
ENTIRETY**

Exhibit C
DUKE ENERGY FLORIDA, LLC
Confidentiality Justification Matrix

| DOCUMENT/RESPONSES | PAGE/LINE | JUSTIFICATION |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Documents produced by DEF as Bates Nos. HOBBS DEP DT - 00001 through HOBBS DEP DT - 00050, in response to OPC's Notice of Taking Deposition Duces Tecum for the deposition of DEF's witness Terry Hobbs</p> | <p>HOBBS DEP DT - 00001 through HOBBS DEP DT - 00024: All information is confidential.</p> | <p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's competitive interests.</p> |
| <p>Documents produced by DEF as Bates Nos. HOBBS DEP DT - 00001 through HOBBS DEP DT - 00050, in response to OPC's Notice of Taking Deposition Duces Tecum for the deposition of DEF's witness Terry Hobbs</p> | <p>HOBBS DEP DT - 00025 through HOBBS DEP DT - 00040: All information is confidential.</p> | <p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's competitive interests.</p> |
| <p>Documents produced by DEF as Bates Nos. HOBBS DEP DT - 00001 through HOBBS DEP DT - 00050, in response to OPC's Notice of Taking Deposition Duces Tecum for the deposition of DEF's witness Terry Hobbs</p> | <p>HOBBS DEP DT - 00041 through HOBBS DEP DT - 00046: All information is confidential.</p> | <p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question</p> |

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | contains confidential information, the disclosure of which would impair DEF's competitive interests. |
| Documents produced by DEF as Bates Nos. HOBBS DEP DT - 00001 through HOBBS DEP DT - 00050, in response to OPC's Notice of Taking Deposition Duces Tecum for the deposition of DEF's witness Terry Hobbs | HOBBS DEP DT - 00047 through HOBBS DEP DT - 00049: All information is confidential. | <p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's competitive interests.</p> |
| Documents produced by DEF as Bates Nos. HOBBS DEP DT - 00001 through HOBBS DEP DT - 00050, in response to OPC's Notice of Taking Deposition Duces Tecum for the deposition of DEF's witness Terry Hobbs | HOBBS DEP DT - 00050: All information is confidential. | <p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's competitive interests.</p> |

Exhibit D

AFFIDAVIT OF TERRY HOBBS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC to Approve Transaction with Accelerated Decommissioning Partners, LLC for Accelerated Decommissioning Services at the CR3 Facility, Transfer of Title to Spent Fuel, and Assumption of Operations of the CR3 Facility Pursuant to the NRC License, and Request for Waiver From Future Application of Rule 25-6.04365, F.A.C. for Nuclear Decommissioning Study

DOCKET NO.: 20190140-EI

Submitted for Filing: July 15, 2020

**AFFIDAVIT OF TERRY HOBBS IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S THIRTEENTH
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF CITRUS

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

1. My name is Terry Hobbs. I am over the age of eighteen (18) and I have been authorized by Duke Energy Florida, LLC (hereinafter "DEF" or "Company") to give this affidavit in the above-styled proceeding on DEF's behalf and in support of DEF's Thirteenth Request for Confidential Classification ("DEF's Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the General Manager for the Decommissioning of the DEF Crystal River Unit 3 Nuclear Plant (the "CR3 Facility").

3. As the General Manager, I am responsible for the overall management, implementation, and coordination of activities to place the CR3 Facility in a long-term dormant condition commonly referred to as a "SAFSTOR" condition. I am also responsible for ensuring

the safe storage of the used nuclear fuel at the CR3 Facility. Additionally, I oversee several managers and I ensure that such managers implement the plant programs, including the ground water monitoring, radiation, control and engineering programs, in an effective and efficient manner.

4. DEF is seeking the confidential classification for certain information contained within the set of documents produced by DEF in response to the Office of Public Counsel's Notice of Deposition Duces Tecum filed on June 22, 2020, for the deposition of DEF's witness Terry Hobbs on June 25, 2020; specifically, Bates Nos. HOBBS DEP DT – 00001 through HOBBS DEP DT - 00050. The confidential information at issue is contained in Amended Exhibit A to DEF's Request and is outlined in DEF's Justification Matrix attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains competitively sensitive confidential information concerning contractual business information and obligations under a contract, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.

5. The confidential information at issue describes, concerns, or relates to commercially sensitive confidential information concerning contractual business information and obligations under a contract between DEF, ADP CR3, LLC and ADP SF1, LLC for decommissioning activities related to the accelerated decommissioning of the CR3 Facility, as well as confidential information that is either subject to current pending requests for confidential classification filed by DEF, or has already been found to be exempt from public disclosure under orders granting confidential classification that have been issued in this proceeding by the Florida Public Service Commission. The disclosure of such information would not only impair the Company's competitive business advantages, but would also violate DEF's contractual

requirements to maintain the confidentiality of such information under the subject contract. Therefore, the confidential information at issue qualifies for confidential classification.

6. DEF is obligated to maintain the confidentiality of certain contractual terms under the subject contract. If DEF cannot assure contracting parties that it can maintain the confidentiality of contractual terms, those parties and other similarly situated parties may forego entering contracts with DEF, which would impair the Company to negotiate such contracts on favorable terms.

7. The information identified as Amended Exhibit A is intended to be and is treated as confidential by the Company. With respect to the information at issue in DEF's Request, such information has not been disclosed to the public, and the Company has treated and continues to treat such information as confidential.

8. 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.

9. This concludes my affidavit.

FURTHER AFFIANT SAYETH NOT.

[Signature Page to Follow]

Dated the ____ day of _____, 2020.

Terry Hobbs
Duke Energy Crystal River, Unit 3
Nuclear Plant
15760 W. Power Line St.
Crystal River, FL 34428

The foregoing instrument was sworn to and subscribed before me this ____ day of _____, 2020, by Terry Hobbs. He is personally known to me, or has produced his ____ driver's license, ____ or his _____ as identification.

Signature

(AFFIX NOTARY SEAL)

Printed Name

NOTARY PUBLIC, STATE OF _____

Commission Expiration Date