

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: September 16, 2019

TO: Suzanne S. Brownless, Special Counsel, Office of the General Counsel

FROM: Lee Smith, Public Utility Analyst III, Division of Economics *LS*

RE: Duke Energy Florida – Docket No. 20190140-EI - Confidentiality Request – Document No. 03049-2020

Pursuant to Section 366.093, F.S., and Rule 25-22.006, F.A.C., Duke Energy Florida (DEF or Company) requests confidential classification for certain information contained in documents produced by the Office of Public Counsel (OPC) in preparation for Duke Energy's June 12, 2020 deposition of Richard Polich. Specifically, DEF seeks confidential classification of Deposition Exhibit 2, Bates Nos. Polich DEP DT 000001 through Polich DEP DT 000004, each page in its entirety, as filed in the above-referenced docket, dated June 11, 2020. The material that is the subject of this confidentiality request appears in Document No. 03049-2020.

The Company is claiming confidentiality of certain information contained in documents produced by OPC in preparation for Duke Energy's June 12, 2020 deposition of Richard Polich under Section 366.093(3), F.S. Per the Statute, propriety of confidential business information includes, but is not limited to: Subsections (d) “[i]nformation concerning bids or other 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,” and (e) “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” The information provided in the aforementioned response for which confidential treatment is being sought can be described as information revealing vendor-specific information related to DEF’s request for information and request for proposal process.

Staff has reviewed the information provided in the documents produced by OPC, as well as the Company’s confidentiality request. In staff’s opinion, the information that is the subject of the confidentiality request does meet the criteria for confidentiality contained in Section 366.093(3)(d) and (e), F.S. Therefore, staff recommends that the request for confidentiality of certain information included in Document No. 03049-2020, as described above, be approved.



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DATE: September 16, 2020

TO: Division of Economics, Office of Primary Responsibility

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO: 20190140-EI

DOCUMENT NO: 03049-2020

DESCRIPTION: Duke Energy (Hernandez) - (CONFIDENTIAL) Certain information contained in documents produced by OPC in response to Duke Energy's notice of taking deposition duces tecum (DN 02916-2020) of Richard Polich scheduled for 6/12/20; specifically, Bates Nos. Polich DEP DT 000001 through Polich DEP DT 000004 produced by OPC, Exh A [to notice of intent to request confidential classification (DN 03041-2020)].

SOURCE: Duke Energy Florida, LLC

The above confidential material was filed along with a ninth request for confidential classification. Please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other 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;
 - (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information;
 - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by /s/ Gary L Smith II on 9/16/2020, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.