



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

November 25, 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 Third Request for Extension of Confidential Classification concerning certain information contained in the 2018 Hedging Activities Audit, *Audit Control No. 15-051-2-1*, filed in docket no. 20150001-EI and Revised Exhibit D, Affidavit of James McClay (unverified). 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: November 25, 2020

**DUKE ENERGY FLORIDA LLC'S
THIRD 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 (the “Request”) for certain information contained in Staff’s audit work papers pertaining to DEF’s 2015 Hedging Activities Audit (*Audit Control No. 15-051-2-1*). In support of this Request, DEF states:

1. On October 7, 2015, DEF filed a request for confidential classification for certain information contained in Staff’s Audit Work papers pertaining to DEF’s 2015 Hedging Activities (Document No. 06298-2015), as it contains sensitive business information such as contractual and competitively negotiated data.

2. DEF’s October 7, 2015 Request was granted by Order No. PSC-2015-0583-CFO-EI. On June 16, 2017, DEF filed its First Request for Extension of Confidential Classification. The June 16, 2017 Request was granted by Order No. 2017-0333-CFO-EI. On February 25, 2019, DEF filed its Second Request for Extension of Confidential Classification. The February 25, 2019 was granted by Order No. PSC-2019-0197-CFO-EI. The period of confidential treatment granted by that order will expire on November 30, 2020. 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.

3. DEF submits that the information contained in the audit work papers identified in Exhibit “A” and Exhibit “C” to the October 7, 2015 Request¹ 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 James McClay at ¶¶ 4-6, 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 James McClay ¶ 7.

4. Nothing has changed since the issuance of Order No. PSC-2017-0333-CFO-EI to render the information stale or public such that continued confidential treatment would be inappropriate. 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 this Request for Confidential Classification be granted.

¹ DEF hereby incorporates Exhibits A, B, and C to the original Request, Document No. 06298-2015 submitted on October 7, 2015 in Docket No. 20150001-EI as if attached hereto.

RESPECTFULLY SUBMITTED this 25th day of November, 2020.

s/Matthew R. Bernier

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Duke Energy Florida
CERTIFICATE OF SERVICE
Docket No. 20200001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via email this 25th day of November, 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 Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 kelly.jr@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
JAMES MCCLAY**

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: November 25, 2020

**AFFIDAVIT OF JAMES MCCLAY IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S THIRD
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is James McClay. 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 Third 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 Director of Natural Gas, Oil and Emissions in the Fuel Procurement Department. This section is responsible for natural gas, fuel oil and emission allowance activity for the Duke Energy Indiana ("DEI"), Duke Energy

Kentucky (“DEK”), Duke Energy Carolinas (“DEC”), Duke Energy Progress (“DEP”), and DEF Systems.

3. As the Director of Natural Gas, Oil and Emissions, I am responsible, along with the other members of the section, for the management of the gas and oil procurement, transportation, hedging activities and administration of gas and oil contracts with various suppliers for DEI’s, DEK’s, DEC’s, DEF’s and DEP’s electrical power generation facilities.

4. DEF is seeking a third extension of confidential classification for certain information contained in Staff’s Hedging Audit Work papers, Audit Control No. 15-051-2-1 (document no. 06298-2015), filed on October 7, 2015 in Docket No. 20150001. There are no changes to the information contained in DEF’s confidential Exhibit A, redacted Exhibit B, and justification matrix C. The referenced Exhibits are on file with the Clerk. DEF is requesting a third 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.

5. DEF negotiates with potential fuel suppliers to obtain competitive contracts for fuel options that provide economic value to DEF and its customers. In order to obtain such contracts, however, DEF must be able to assure fuel suppliers that sensitive business information, volumes, and hedging costs, will be kept confidential. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed confidential contract terms such as volumes, hedging costs, and itemized hedging gains/losses. Absent such measures, suppliers would run the risk

that sensitive business information that they provided in their bids/contracts with DEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with DEF might decide not to do so if DEF did not keep specific information confidential. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and fuel suppliers, the Company's efforts to obtain competitive fuel supply contracts could be undermined.

6. Additionally, the disclosure of confidential information in DEF's fuel supply contracts, could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive fuel supply options that provide economic value to both DEF and its customers could be compromised by DEF's competitors changing their consumption or purchasing behavior within the relevant markets.

7. Upon receipt of confidential information from fuel suppliers, and with 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 contracts and information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the ____ day of _____, 20__.

(Signature)

James McClay
Director of Natural Gas, Oil and Emissions
Duke Energy
526 South Church
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ____ day of _____, 20__ by James McClay. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.

(Signature)

(AFFIX NOTARIAL SEAL)

(Printed Name)

NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)