



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 Request for Extension of Confidential Classification concerning certain information contained in Exhibit No. CAM-2T to the direct testimony of Christopher A. Menendez and Exhibit No. AG-1 to the direct testimony of Arnold Garcia, filed in docket no. 20190001-EI and Revised Exhibit D, Affidavits of Christopher Menendez (verified) and Arnold Garcia (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
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 Exhibit No. __ (AG-1), to Mr. Arnold Garcia’s testimony, and in Exhibit No. __ (CAM-2T), to the testimony of Christopher A. Menendez, dated March 1, 2019 filed in docket number 20190001-EI. In support of this Request, DEF states:

1. On March 1, 2019, DEF filed a request for confidential classification for certain information contained in Exhibit No. __ (AG-1), to Mr. Garcia’s testimony and in Exhibit No. __ (CAM-2T), Calculation of Actual True-Up, Sheet 2 of 3 and Calculation of Actual/Estimated True Up, Sheet 3 of 3, to the direct testimony of Mr. Menendez, which includes confidential business information such as contractual cost data, third-party proprietary information, and competitively negotiated data.

2. DEF’s March 1, 2019, Request was granted by Order No. PSC 2019-0194-CFO-EI, on May 30, 2019. The period of confidential treatment granted by that order will expire on October 23, 2019. 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 certain information provided in Exhibit No. ____(CAM-2T) to the direct testimony of Christopher A. Menendez and Exhibit No. ____ (AG-1) to the direct testimony of Arnold Garcia, identified in Exhibit “A” and Exhibit “C” to the March 1, 2019 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* Affidavits of Christopher A. Menendez and Arnold Garcia 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.

4. Nothing has changed since the issuance of Order No. PSC-2019-0194-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.

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, C to the original Request, document number 01337-2019, submitted on March 1, 2019 in Docket No. 201900001 as if attached hereto.

RESPECTFULLY SUBMITTED this 25th day of November, 2020.

s/Matthew R. Bernier _____

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Attorneys for Duke Energy Florida, LLC

Duke Energy Florida, LLC
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

(on file)

Exhibit C

DUKE ENERGY FLORIDA
Confidentiality Justification Matrix
(on file)

**Revised
Exhibit D**

**AFFIDAVIT OF
ARNOLD GARCIA**

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 ARNOLD GARCIA IN SUPPORT OF
DUKE ENERGY FLORIDA'S
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 Arnold Garcia, who being first duly sworn, on oath deposes and says that:

1. My name is Arnold Garcia. 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 Director of Insurance. This section is responsible for placing insurance coverage for Duke Energy and its subsidiaries, including DEF.

3. DEF is seeking an extension of confidential classification for Exhibit No. ____ (AG-1) to my direct testimony filed on March 1, 2019 in docket 20190001-EI. There are no changes to the information contained in DEF's confidential Exhibit A, redacted

Exhibit B, and Justification Matrix, Exhibit C. The referenced Exhibits are on file with the Clerk. 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 competitive business interests.

4. The confidential information at issue the Insurance Policy covering the Bartow CC Plant in 2017 (the "Policy"). Disclosure of the Policy would impair the Company's competitive business interests and efforts to contract for goods or services on favorable terms. DEF has not publicly disclosed the material terms of the Policy. Without DEF's measures to maintain the confidentiality of this sensitive business information, DEF's ability to contract with third parties would be undermined to the detriment of DEF's competitive business interests and ultimately to the detriment of its customers' interests.

5. 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.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the ____ day of _____, 2020.

(Signature)

Arnold Garcia
Director of Insurance
Duke Energy
550 Tryon Street
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ____ day of _____, 2020, by Arnold Garcia. 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)

**Revised
Exhibit D**

**AFFIDAVIT OF
CHRISTOPHER A.
MENENDEZ**

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 CHRISTOPHER A. MENENDEZ 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 Christopher A. Menendez, who being first duly sworn, on oath deposes and says that:

1. My name is Christopher A. Menendez. 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 Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Rates and Regulatory Strategy Director within the Regulatory Planning Projects department. This department is responsible for regulatory planning and cost recovery for DEF.

3. As the Rates and Regulatory Strategy Director, I am responsible, along with the other members of the section, for the production and review of the regulatory financial reports of DEF and analysis of state, federal and local regulations and their impact on DEF.

4. DEF is seeking an extension of confidential classification for a certain information Exhibit No. __ (CAM-2T); Calculation of Actual True-Up, Sheet 2 of 3 and Calculation of Actual/Estimated True Up, Sheet 3 of 3, to my direct testimony filed on March 1, 2019, in docket number 20190001-EI. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and Justification Matrix, Exhibit C. The referenced Exhibits are on file with the Clerk. DEF is requesting an extension of confidential classification of this information because it contains competitively sensitive contractual confidential business information of capacity suppliers DEF contracts with.

5. DEF negotiates with potential capacity suppliers to obtain competitive contracts for capacity purchase options that provide economic value and system reliability to DEF and its customers. In order to obtain such contracts, however, DEF must be able to assure capacity suppliers that sensitive business information, such as the contractual terms, will be kept confidential. DEF enters into contracts that require the information will be protected from disclosure. In order to protect this confidential information, it is also necessary to keep additional information that could be used to compute the confidential information at issue if made public; for example, if costs relating to one contract were held confidential, but all other contractual costs and the resulting subtotal were public, the confidential information would become apparent. For

this reason, DEF has held confidential the remaining information on the subject exhibits that could be used to compute to the confidential information in need of protection.

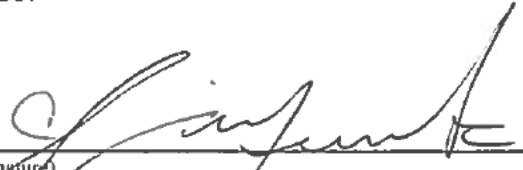
6. Absent such measures, suppliers would run the risk that sensitive business information that they provided in their contracts with DEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with DEF might decide not to do so if DEF did not keep those terms confidential. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and capacity suppliers, the Company's efforts to obtain competitive capacity contracts could be undermined. Additionally, the disclosure of confidential information in DEF's capacity purchases could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive capacity purchase 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 capacity 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 or contracts. The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

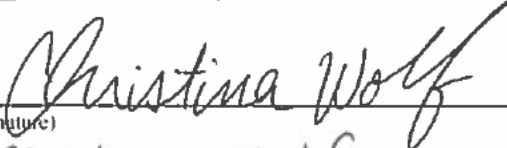
Further affiant sayeth not.

Dated the 24th day of Nov., 2020.



 (Signature)
 Christopher A. Menendez
 Rates and Regulatory Strategy Director
 Regulatory Planning Projects
 Duke Energy Florida, LLC
 299 1st Avenue South
 St. Petersburg, FL 33701

24th THE FOREGOING INSTRUMENT was sworn to and subscribed before me this
 day of November, 2020, by Christopher A. Menendez. He is personally known to
 me, or has produced his _____ driver's license, or his
 _____ as identification.



 (Signature)
Christina Wolf

 (Printed Name)
 NOTARY PUBLIC, STATE OF FLORIDA
9/27/21

 (Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



(Serial Number, If Any)