

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-**

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**DATE:** April 1, 2022

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

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

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

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On March 29, 2022, pursuant to Section 366.093, Florida Statutes (F.S), and Rule 25-22.006, Florida Administrative Code, Duke Energy Florida (DEF or Company) requested an extension of 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.

On June 30, 2020, DEF filed the original Request for Confidential Classification related to this document. DEF's Request was granted by Order No. PSC-2020-0354-CFO-EI on October 9, 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 contained in the documents produced by DEF, 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 extension of confidentiality of certain information included in Document No. 03049-2020 be approved.



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

**DATE:** March 31, 2022

**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 first request for extension of 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 Lee Smith on March 31, 2022, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.