



Matthew R. Bernier
Associate General Counsel

April 18, 2022

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. 20220001-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 for certain information contained in the Division of Administrative Hearings’ (“DOAH”) Transcript and Exhibits, filed in docket no. 20200001-EI and Revised Exhibit D, Affidavit of Reginald Anderson. 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

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. 20220001-EI

Dated: April 18, 2022

**DUKE ENERGY FLORIDA LLC'S
FIRST 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 its First Request for Extension of Confidential Classification (the “Request”) for certain information contained in the Division of Administrative Hearings’ (“DOAH”) Transcript and Exhibits. In support of this Request, DEF states:

1. On March 10, 2020, DEF filed a Request for Confidential Classification (document number 01338-2020), for certain information contained in the Transcript and Exhibits from the DOAH hearings held on February 4 and February 5, 2022, specifically Exhibits 101 through 113, 115 and 117, as it contains “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

2. DEF’s March 10, 2020 Request was granted by Order No. PSC-2020-0374-CFO-EI on October 16, 2020. The period of confidential treatment granted by that order will expire on April 18, 2022. 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 First Request for Extension of Confidential Classification.

3. DEF submits that the confidential information contained in the Transcripts and Exhibits from the DOAH hearings, identified in Exhibit “A” and Exhibit “C” to the March 10, 2020, Request¹ continue to be “proprietary confidential business information” within the meaning of section 366.093(3), F.S. and continue to require confidential classification. *See* Affidavit of Reginald Anderson at ¶ 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 Reginald Anderson ¶¶ 5-6.

4. Nothing has changed since the issuance of Order No. PSC-2020-0374-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, and C to the original Request, Document No. 01338-2020 submitted on March 10, 2020 in docket no. 20200001-EI as if attached hereto

RESPECTFULLY SUBMITTED this 18th day of April, 2022.

s/Matthew R. Bernier

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Attorneys for Duke Energy Florida, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 18th day of April, 2022 to all parties of record as indicated below.

s/Matthew R. Bernier
Attorney

<p>Suzanne Brownless Stefanie Jo Osborn Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us sosborn@psc.state.fl.us</p> <p>J. Wahlen / M. Means Ausley McMullen P.O. Box 391 Tallahassee, FL 32302 jwahlen@ausley.com mmeans@ausley.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. FIPUG 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com mqualls@moylelaw.com</p> <p>Peter J. Mattheis Michael K. Lavanga Joseph R. Briscar Stone, Mattheis, Xenopoulos, & Brew P.C. Nucor 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 pjm@smxblaw.com mkl@smxblaw.com jrb@smxblaw.com</p> <p>Corey Allain Nucor Steel Florida, Inc. 22 Nucor Drive Frostproof, FL 33843 corey.allain@nucor.com</p>	<p>Anastacia Pirrello / Richard Gentry Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 pirrello.anastacia@leg.state.fl.us gentry.richard@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 david.lee@fpl.com maria.moncada@fpl.com</p> <p>James Brew / Laura W. Baker Stone Mattheis Xenopoulos & Brew, P.C. White Springs/PCS Phosphate 1025 Thomas Jefferson St., N.W. Eighth Floor, West Tower 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>Michelle D. Napier Florida Public Utilities Company 1635 Meathe Drive West Palm Beach, FL 33411 mnapier@fpuc.com</p> <p>Beth Keating Gunster, Yoakley & Stewart, P.A. FPUC 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
REGINALD ANDERSON**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating
performance incentive factor.

Docket No. 20220001-EI

Dated: April 18, 2022

**AFFIDAVIT OF REGINALD ANDERSON 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 Reginald Anderson, who being first duly sworn, on oath deposes and says that:

1. My name is Reginald Anderson. 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 Vice President of Regulated & Renewable Energy Florida. I am responsible for the overall leadership and strategic direction of DEF's power generation fleet. My major duties and responsibilities include strategic and tactical planning to operate and maintain DEF's non-nuclear generation fleet; generation fleet project and additions recommendations; major maintenance programs; outage and project management; retirement of generation facilities; asset allocation; workforce planning and staffing; organizational alignment and design; continuous business improvements; retention and inclusion; succession planning;

and oversight of hundreds of employees and hundreds of millions of dollars in assets and capital and O&M budgets.

4. DEF is seeking an extension of confidential classification for information contained in the Division of Administrative Hearings' Transcripts and Exhibits from the February 4 and 5, 2020 hearing, filed on March 10, 2020 in docket number 20200001-EI. 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 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.

5. The confidential information at issue is confidential proprietary information. In order to contract with third-party vendors and Original Equipment Manufacturers on favorable terms, DEF must keep contractual terms and third-party proprietary information confidential. The information contains drawings, evaluations and information of both DEF and third-party companies, the disclosure of which 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 information. Without DEF's measures to maintain the confidentiality of this sensitive business information, DEF's ability to contract with third parties could detrimentally impact DEF's ability to negotiate favorable contracts, thereby harming its competitive interests, ultimately to its customers' detriment.

6. 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.

7. This concludes my affidavit.

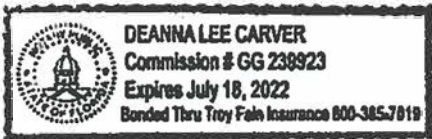
Further affiant sayeth not.

Dated the 14th day of April, 2022.

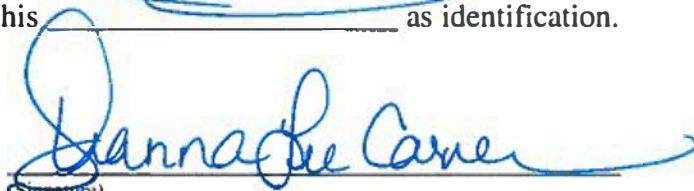


(Signature)
Reginald Anderson
Vice President,
Regulated & Renewable Energy Florida
Duke Energy Florida, LLC
Florida Regional Headquarters
St. Petersburg, FL

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 14th day of April, 2022 by Reginald Anderson. He is personally known to me or has produced his driver's license, or his _____ as identification.



(AFFIX NOTARIAL SEAL)



(Signature)
Deanna Lee Carver

(Printed Name)
NOTARY PUBLIC, STATE OF FL

July 18, 2022
(Commission Expiration Date)

(Serial Number, If Any)