

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 21, 2022

**TO:** Division of Accounting and Finance, Office of Primary Responsibility

**FROM:** OFFICE OF COMMISSION CLERK

**RE:** CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NOS: 20200001-EI DOCUMENT NO: 00223-2020

DESCRIPTION: Duke Energy (Bernier) - (CONFIDENTIAL) Exh A [to notice of intent to request confidential classification], information contained in 8/29/19 and 8/30/19, late-filed exhibits to deposition of Messrs. Swartz, Toms, and Salvarezza.

SOURCE: Duke Energy Florida, LLC

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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 /s/Devlin Higgins on 4.22.22, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.

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

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**DATE:** April 22, 2022

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

**FROM:** Devlin Higgins, Public Utility Analyst IV, Division of Accounting & Finance

**RE:** Docket No: 20220001-EI Document No: 00223-2020  
DESCRIPTION: Duke Energy Florida, LLC d/b/a Duke Energy et al Duke Energy (Bernier) - (CONFIDENTIAL) Exh A [to notice of intent to request confidential classification], information contained in 8/29/19 and 8/30/19, late-filed exhibits to deposition of Messrs. Swartz, Toms, and Salvarezza.

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Pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code, Duke Energy Florida (DEF or Company) requests extension of confidential classification of certain information provided by the Company in the above referenced docket, dated January 14, 2020. The confidential classification of the subject document was first approved by Order No. PSC-2020-0372-CFO-EI, issued October 15, 2020.<sup>1</sup>

The Company is claiming confidentiality of its information under Section 366.093(3)(d), F.S., and Section 366.093(3)(e), F.S. Per the Statute, propriety of confidential business information includes, but is not limited to: Subsection (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 Subsection (e) “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.”

The information at issue relates to DEF’s “Root Cause Analysis Summary” and blade testing data for the Plant Bartow steam turbine. DEF asserts the subject information contains proprietary and confidential third-party owned information, diagrams, and technical information regarding the third-party’s proprietary component design and operation parameters. DEF contends that if it cannot demonstrate to its third-party OEM, and others that may enter contracts with DEF in the future, that it has the ability to protect those third-parties’ confidential and proprietary business information, third-parties will be less likely to provide that information to DEF – harming the Company’s ability to prudently operate its business.

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<sup>1</sup>Order No. PSC-2020-0372-CFO-EI, issued October 15, 2020, in Docket No. 20200001-EI, *In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.*

Staff has reviewed the subject information as well as the Company's confidentiality request. It is staff's opinion that the information subject to this request continues to meet the criteria for continued confidentiality contained in Section 366.093(3)(d), F.S., and Section 366.093(3)(e), F.S.