

RECEIVED-FPSC  
14 MAY 19 AM 9:22  
COMMISSION  
CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission review of numeric  
Conservation goals (Duke Energy Florida, Inc.)

DOCKET NO. 130200-EI  
Filed: May 19, 2014

**DUKE ENERGY FLORIDA'S REQUEST  
FOR CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida ("DEF" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, Florida Administrative Code, submits this Request for Confidential Classification for certain information contained in DEF's Response to Staff's First Request for Production of Documents (Nos. 1-3). Specifically, the documents responsive to Staff's Request 1-3 include GTM Research's (a third-party consultant) confidential and proprietary U.S. Solar Market Insight Report ("Report"). In support of this Request, DEF states:

1. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing an unredacted copy of the Report responsive to Staff's First Request for Production of Documents (Nos. 1-3) for which DEF seeks confidential treatment. Composite Exhibit A is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted in yellow.

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

COM	_____
AFD	1
APA	_____
ECO	1
ENG	3
GCL	1
IDM	1
TEL	_____
CLK	_____

(c) Exhibit C is a table which identifies by page and line the information for which DEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

(d) Exhibit D is an affidavit attesting to the confidential nature of information identified in this request.


3. As indicated in Exhibit C, the information for which DEF requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, the Report contains proprietary and confidential third party information provided to DEF. Disclosure of this information would adversely impact DEF’s competitive business interests by negatively impacting DEF’s ability to contract with third-party consultants. *See* § 366.093(3)(d), F.S.; Affidavit of Timothy J. Duff at ¶ 5. If DEF cannot guarantee third-party consultants, such as GTM Research, that its proprietary and confidential information will not be made subject to public disclosure, DEF will not be able to contract with, and utilize the expertise of, such third-party consultants to the detriment of DEF and its customers. *See* § 366.093(3)(e), F.S.; Affidavit of Timothy J. Duff at ¶ 5. Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Timothy J. Duff at ¶ 6. This information has not been publicly shared since being received, and DEF follows strict procedures to ensure that access to the information is restricted to those employees who need the information to assist the Company. *See id.*

5. DEF requests that the information identified in Exhibit A be classified as “proprietary confidential business information” within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4) F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this Request for Confidential Classification be granted.

Respectfully submitted this 17<sup>th</sup> day of May, 2014.

  
\_\_\_\_\_  
Dianne M. Triplett  
Associate General Counsel  
Matthew Bernier  
Sr. Counsel  
Duke Energy Florida, Inc.  
299 1<sup>st</sup> Avenue North  
St. Petersburg, FL 33701  
Telephone: 850-521-1428  
Email: [Dianne.Triplett@duke-energy.com](mailto:Dianne.Triplett@duke-energy.com)  
[Matthew.bernier@duke-energy.com](mailto:Matthew.bernier@duke-energy.com)  
Attorneys for Duke Energy Florida, Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on the following via electronic mail this 19<sup>th</sup> day of May, 2014.

  
\_\_\_\_\_  
Attorney

<p>Lee Eng Tan Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:ltan@psc.state.fl.us">ltan@psc.state.fl.us</a> <a href="mailto:cmurphy@psc.state.fl.us">cmurphy@psc.state.fl.us</a> <a href="mailto:shopkins@psc.state.fl.us">shopkins@psc.state.fl.us</a></p> <p>Steven L. Hall, Senior Attorney Office of General Counsel 407 South Calhoun Street, Suite 520 Tallahassee, FL 32399 <a href="mailto:steven.hall@FreshFromFlorida.com">steven.hall@FreshFromFlorida.com</a></p> <p>John Butler/Jessica Cano 700 Universe Blvd Juno Beach, FL 33408 <a href="mailto:john.butler@FPL.com">john.butler@FPL.com</a> <a href="mailto:jessica.cano@FPL.com">jessica.cano@FPL.com</a></p> <p>Kevin Donaldson 4200 West Flagler Street Miami, FL 33134 <a href="mailto:kevin.donaldson@fpl.com">kevin.donaldson@fpl.com</a></p> <p>Paula K. Brown P.O. Box 111 Tampa, FL 33602 <a href="mailto:pkbrown@teccoenergy.com">pkbrown@teccoenergy.com</a></p> <p>Jeffrey A. Stone/ Russell A. Badders Steven R. Griffin Beggs &amp; Lane Gulf Power P.O. Box 12950 Pensacola, FL 32591 <a href="mailto:srg@beggslane.com">srg@beggslane.com</a></p> <p>Robert Scheffel Wright/John T. LaVia Gardner, Bist, Wiener, Wadsworth, Bodwden, Bush, Dee, LaVia &amp; Wright, P.A. 1300 Thomaswood Drive Tallahassee, FL 32308 <a href="mailto:schef@gbwlegal.com">schef@gbwlegal.com</a> <a href="mailto:jlavia@gbwlegal.com">jlavia@gbwlegal.com</a></p>	<p>J. Beasley/J. Wahlen/A. Daniels Ausley McMullen Post Office Box 391 Tallahassee, FL 32302 <a href="mailto:jbeasley@ausley.com">jbeasley@ausley.com</a> <a href="mailto:jwahlen@ausley.com">jwahlen@ausley.com</a> <a href="mailto:adaniels@ausley.com">adaniels@ausley.com</a></p> <p>Diana Csanik Sierra Club 50 F St. NW, 8th Floor Washington, DC 20001 <a href="mailto:diana.csanik@sierraclub.org">diana.csanik@sierraclub.org</a></p> <p>Jon C. Moyle, Jr. / Karen Putnal Moyle Law Firm, P.A. 118 N. Gadsden Street Tallahassee, FL 32301 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a> <a href="mailto:kputnal@moylelaw.com">kputnal@moylelaw.com</a></p> <p>Robert L. McGee, Jr. Gulf Power Company One Energy Place Pensacola, FL 32520 <a href="mailto:rlmcgee@southernco.com">rlmcgee@southernco.com</a></p> <p>George Cavros Southern Alliance for Clean Energy 120 E. Oakland Park Blvd., Suite 105 Ft. Lauderdale, FL 33334 <a href="mailto:george@cavros-law.com">george@cavros-law.com</a></p> <p>Alisa Coe/David G. Guest Earthjustice 111 S. Martin Luther King Jr. Blvd. Tallahassee, FL 32301 <a href="mailto:acoe@earthjustice.org">acoe@earthjustice.org</a> <a href="mailto:dguest@earthjustice.org">dguest@earthjustice.org</a> <a href="mailto:bbeard@earthjustice.org">bbeard@earthjustice.org</a></p> <p>James W. Brew / F. Alvin Taylor Brickfield burchette Ritts &amp; Stone 1025 Thomas Jefferson St., NW, Eighth Washington, DC 20007 <a href="mailto:jbrew@bbrslaw.com">jbrew@bbrslaw.com</a> <a href="mailto:ataylor@bbrslaw.com">ataylor@bbrslaw.com</a></p>
--	--

# Exhibit A

**CONFIDENTIAL**

**“CONFIDENTIAL”**

REDACTED

## **Exhibit B**

**REDACTED**

DEF's Response to Staff's 1st Pods (1-3)  
STAFF-PODS-1-3

REDACTED

**REDACTED**

Bates Nos. DEF-DSM-04674 through DEF-DSM-04763

DEF's Response to Staff's 1st Pods (1-3)  
STAFF-PODS-1-3

REDACTED

**REDACTED**

Bates Nos. DEF-DSM-04674 through DEF-DSM-04763



**Exhibit C**

**DUKE ENERGY FLORIDA  
Confidentiality Justification Matrix**

<b>DOCUMENT/RESPONSES</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
<b>DEF's Response to Staff's First Request for Production of Documents (Nos. 1-3): Staff 1-3</b>	DEF-DSM-04674 through DEF-DSM-04763 in their entirety: Analyses, evaluations, and pricing prepared for DEF by a third-party consultant (proprietary and confidential).	§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.  §366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.

# **Exhibit D**

## **AFFIDAVIT OF TIMOTHY J. DUFF**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

---

In re: Commission review of numeric  
Conservation goals (Duke Energy Florida, Inc.)

DOCKET NO. 130200-EI  
Filed: May 19, 2014

---

**AFFIDAVIT OF TIMOTHY J. DUFF IN SUPPORT OF  
DUKE ENERGY FLORIDA'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Timothy J. Duff. I am over the age of 18 years old and I have been authorized by Duke Energy Florida, Inc. (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 facts attested to in my affidavit are based upon my personal knowledge.

2. I am the General Manager of Customer Regulatory Strategy & Analytics within the Customer Planning & Analytics Department. This department is responsible for regulatory planning, support and compliance of the Company's Demand-Side Management (DSM) programs.

3. As the General Manager of Customer Regulatory Strategy & Analytics, I am responsible, along with the other members of the section, for the support for development, implementation, training, and budgeting related to the Demand-Side Management Programs.

4. DEF is seeking confidential classification for portions of its Response to Staff's Request for the Production of Documents (Nos. 1-3). A detailed description of the confidential information at issue is contained and outlined in DEF's Justification Matrix that is attached to DEF's Request for Confidential Classification as Exhibit C.

5. DEF is requesting confidential classification of the U.S. Solar Market Insight Report prepared for DEF by its third-party consultant, GTM Research, because it contains GTM Research's proprietary and confidential information. The disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms and the disclosure would adversely impact DEF's competitive business interests. For example, if third-parties and DEF's suppliers or providers were not comfortable that their proprietary and confidential information would not become part of the public domain, those third-parties would not contract with DEF and DEF would lose its ability to utilize their expertise. Such a scenario would harm the Company's competitive interests as well as DEF's customers' interests.

6. Strict procedures are established and followed to maintain the confidentiality of the terms of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. At no time has the Company publicly disclosed the confidential

information or documents at issue. The Company has treated and continues to treat the information and documents at issue as confidential.

7. This concludes my affidavit.

Further affiant sayeth not.



Timothy J. Duff  
General Manager Customer Regulatory  
Strategy & Analytics  
Duke Energy  
400 S. Tryon Street  
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 12 day of May, 2014 by Timothy J. Duff. He is personally known to me, or has produced his North Carolina driver's license, or his \_\_\_\_\_ as identification.



(Signature)

Jennifer C. Burwell

(Printed Name)

NOTARY PUBLIC, STATE OF NORTH CAROLINA

Feb 14, 2017

(Commission Expiration Date)

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

