

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Duke Energy Florida, Inc.  
for approval of Nuclear Decommissioning  
Cost Study

Docket No. 140057-EI  
Submitted for Filing: June 23, 2014

**DUKE ENERGY FLORIDA, INC. NOTICE OF FILING AFFIDAVITS IN SUPPORT OF  
DUKE ENERGY FLORIDA, INC.'S  
FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, Inc. ("DEF") hereby gives notice of filing the affidavits of Michael R. Delowery and John R. Heffernan in support of Duke Energy Florida, Inc.'s First Request for Confidential Classification.

Respectfully submitted this 23<sup>rd</sup> day of June, 2014.

Respectfully submitted,

John T. Burnett  
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Dianne M. Triplett  
Associate General Counsel  
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/s/ Blaise N. Gamba  
James Michael Walls  
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CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 23<sup>rd</sup> day of June, 2014.

/s/ Blaise N. Gamba  
Attorney

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**AFFIDAVIT OF MICHAEL R. DELOWERY IN SUPPORT OF DUKE ENERGY  
FLORIDA'S FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Michael R. Delowery. I am employed by Duke Energy Florida, Inc. ("DEF" or the "Company") and serve as its acting Vice President of Project Management and Construction. I am over the age of 18 years old and I have been authorized by DEF to give this affidavit in the above-styled proceeding on DEF's behalf and in support of DEF's First Request for Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. DEF is seeking confidential classification responsive documents to Florida Public Service Commission Staff's First Data Request, Request for Documents (Nos. 1-12). A detailed description of the confidential information at issue is contained in confidential Attachment A to DEF's First Request for Confidential Classification and is outlined in DEF's Justification Matrix that is attached to DEF's First Request for Confidential Classification as Attachment C. DEF is requesting confidential classification of these documents because they include financial, confidential and proprietary contractual information, and other information related to the Company's competitive business interests, the disclosure of which would compromise DEF's competitive business interests.

3. Specifically, DEF is requesting confidential classification of the Company's end of life disposal agreement with Energy Solutions LLC that contains confidential contractual information regarding the Company's disposal of radioactive materials including spent fuel.

4. The Company must be able to assure vendors that sensitive business information, such as the terms of their contracts, will be kept confidential. Indeed, the contract at issue contains a confidentiality provisions that prohibits the disclosure of the terms of the contract to third parties. If third parties were made aware of confidential contractual terms that the Company has with other parties, they may offer DEF less competitive contractual terms in future contractual negotiations. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and its nuclear contractors, the Company's efforts to obtain competitive contracts would be undermined.

5. As stated above, the contract at issue contains a confidentiality provision; therefore, DEF is requesting confidential classification of this information to avoid public disclosure that would violate the confidentiality agreement between DEF and the other parties to the agreement and reveal competitively sensitive terms and business information. DEF has kept confidential and has not publicly disclosed the confidential contract terms and provisions at issue here. Absent such measures, DEF would run the risk that sensitive business and project information would be made available to the public.

6. Upon receipt of this confidential information, as with all confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided therein. Such procedures include, but are not limited to, restricting access to the documents and information to only those persons who require it to assist the Company. At no time since developing or entering the contract in question has DEF publicly

disclosed the confidential contract terms; DEF has treated and continues to treat the information contained in the subject contract as confidential.

7. This concludes my affidavit.

Dated this \_\_\_\_ day of June \_\_\_\_, 2014.

\_\_\_\_\_  
(Signature)

Michael R. Delowery  
Vice President, Project Management and Construction  
400 South Tryon Street  
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this \_\_\_\_ day of June \_\_\_\_, 2014 by Michael R. Delowery. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF \_\_\_\_\_

\_\_\_\_\_  
(Commission Expiration Date)

\_\_\_\_\_  
(Serial Number, If Any)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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Docket No. 140057-EI  
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**AFFIDAVIT OF JOHN R. HEFFERNAN IN SUPPORT OF DUKE ENERGY  
FLORIDA'S FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is John R. Heffernan. 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 First Request for Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. I am employed by Duke Energy Corporation ("Duke Energy") as the Director, Long Term Investments. In this role I am responsible for oversight of long term investing by the Company including the oversight of the Decommissioning Trust Fund. In this regard I work with DEF's independent investment advisor Towers Watson.

3. DEF is seeking confidential classification for portions of documents responsive to the Florida Public Service Commission Staff's First Data Request, Request for Documents (Nos. 1-12). A detailed description of the confidential information at issue is contained in confidential Attachment A to DEF's First Request for Confidential Classification and is outlined in DEF's Justification Matrix that is attached to DEF's First Request for Confidential Classification as

Attachment C. DEF is requesting confidential classification of these documents because they contain competitively sensitive and confidential financial information and assumptions the disclosure of which would compromise DEF's competitive business interests.

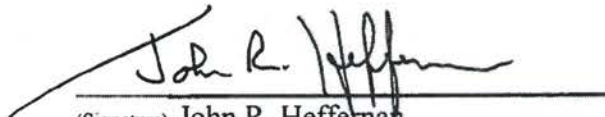
4. Specifically, portions of these responsive documents contain financial reports, data, and assumptions of DEF's independent investment advisor Towers Watson. DEF is requesting confidential classification of these documents because public disclosure of the documents and information in question would compromise DEF's competitive business interests and in many instances, the disclosure of this information would violate contractual confidentiality agreements.

5. Upon receipt of this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality 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. 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 19<sup>th</sup> day of June, 2014.

  
(Signature) John R. Heffernan  
Director, Long Term Investments  
Duke Energy Corporation

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 19<sup>th</sup> day of June, 2014, by John R. Heffernan. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

Catherine Marshall McCraw  
(Signature)

Catherine Marshall McCraw  
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF NC

7-6-2015  
(Commission Expiration Date)

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(Serial Number, If Any)