

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost
Recovery Clause with Generating Performance
Incentive factor.

Docket No. 140001-EI

Dated: September 23, 2014

**DUKE ENERGY FLORIDA, INC.'S
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Duke Energy Florida, Inc. (“DEF” or “Company”), pursuant to Section 366.093, Florida Statutes (“F.S.”), and Rule 25-22.006, Florida Administrative Code (“F.A.C.”), hereby moves for entry of a Temporary Protective Order covering confidential documents sought by the Office of Public Counsel (“OPC”) and as grounds therefore states as follows:

1. OPC has requested a copy of DEF’s confidential information contained in its Hedging Report (January – July 2014) filed September 18, 2014, the disclosure of which could harm DEF’s competitive business interests.

2. Specifically, the highlighted information in Attachments A and B of the Hedging Report relates to the actual hedging data for January – July 2014 such as volumes, hedging costs and hedging gains/losses. Disclosure of the information would impair the Company’s efforts to contract for goods or services on favorable terms. *See* § 366.093(3)(d), F.S. Instead, fuel suppliers could simply offer the highest prices that would allow them to maintain a marginally competitive position against the disclosed forecasted costs and percentages. Additionally, if the information at issue was disclosed, DEF’s efforts to obtain competitive energy supply that provides economic value to both DEF and its ratepayers could be compromised by DEF’s competitors changing their consumption or

purchasing behavior within the relevant markets. *Id.*; *see* § 366.093(3)(e), F.S. 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.

3. Section 366.093(2), F.S., and Rule 25-22.006(6), F.A.C., direct that all records produced for which proprietary confidential status is requested shall be treated by OPC as confidential and shall be exempt from the public records law, Section 119.07(1), F.S. By this motion, DEF is seeking protection of the aforementioned confidential information. By following this procedure and producing this information to OPC, DEF is not waiving its right to seek further relief as necessary to make certain that its confidential, proprietary, business information is not publically disclosed.

4. DEF further requests that in connection with the entry of a temporary protective order, the Commission also require OPC to provide DEF with a notice of its intent to use such confidential information in connection with the hearing in this matter.

WHEREFORE, DEF requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to documents produced to OPC, specifically Attachments A and B of DEF’s Hedging Report (January – July 2014) marked as confidential, instructing OPC to continue to treat it as confidential, and requiring OPC to provide DEF with notice of its intent to use such confidential information in connection with the hearing in accordance with the prehearing order in this matter.

RESPECTFULLY SUBMITTED this 23rd day of September, 2014.

s/Matthew R. Bernier

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DUKE ENERGY FLORIDA, INC.

Duke Energy Florida, Inc.

Docket No.: 140001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 23rd day of September, 2014 to all parties of record as indicated below.

s/Matthew R. Bernier

Attorney

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