



**Matthew R. Bernier**  
ASSOCIATE GENERAL COUNSEL  
Duke Energy Florida, LLC

June 19, 2019

**VIA ELECTRONIC FILING**

Mr. Adam J. Teitzman, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: *Commission Review of Numeric Conservation Goals (Duke Energy Florida, LLC);  
Docket 20190018-EG*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification of certain information provided in DEF's Response to Staff's Third Set of Interrogatories (Nos. 49-58), in the above referenced docket. The filing includes the following:

- Exhibit A (slipsheet only);
- Exhibit B (two copies);
- Exhibit C (justification matrix); and
- Exhibit D (Affidavit of Jim Herndon).

DEF's confidential Exhibit A, for the above-referenced filing was provided on May 29, 2019 (document number 04684-2019), under separate cover.

Thank you for your assistance in this matter. If you have any questions, please feel free to contact me at (850) 521-1428.

Sincerely,

*/s/ Matthew R. Bernier*

Matthew R. Bernier

MRB/mw  
Enclosure

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Commission Review of Numeric  
Conservation Goals (Duke Energy Florida,  
LLC)

Docket No. 20190018-EG

Filed: June 19, 2019

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**DUKE ENERGY FLORIDA, LLC'S  
REQUEST FOR 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 this Request for Confidential Classification for certain information provided in DEF’s Response to Staff of the Florida Public Service Commission’s (“Staff”) Third Set of Interrogatories (Nos. 49-58), served on May 29, 2019, concurrently with DEF’s Notice of Intent to Request Confidential Classification. This Request is timely. *See* Rule 25-22.006(3)(a)1., F.A.C. In support of this Request, DEF states:

Information provided in DEF’s Response to Staff’s Third Set of Interrogatories (Nos. 49-58), specifically the document provided in response to question No. 49c, contains “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

1. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing an unredacted copy of all the documents for which DEF seeks confidential treatment. Composite Exhibit A was submitted separately in a sealed envelope labeled “CONFIDENTIAL” on May 29, 2019. 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.

(c) Exhibit C is a table which identifies by Bates number(s) 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.

2. 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 document provided in question No. question No. 49c, contains confidential business information relating to specific relating to specific algorithms and calculations regarding the PV Model. The disclosure of that information to the public would adversely impact DEF and third-party vendors’ competitive business interests. *See* § 366.093(3)(e), F.S.; Affidavit of Jim Herndon at ¶ 4. 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. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Jim Herndon at ¶ 5. The information has not been disclosed to the public, and the Company and third-party vendors have treated and continues to treat this information as confidential. *Id.*

4. 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 remains 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 19<sup>th</sup> day of June, 2019.

*s/Matthew R. Bernier*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 19<sup>th</sup> day of June, 2019.

*s/Matthew R. Bernier*

Attorney

<p>Charles Murphy / Margo DuVal / Andrew King Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:cmurphy@psc.state.fl.us">cmurphy@psc.state.fl.us</a> <a href="mailto:mduval@psc.state.fl.us">mduval@psc.state.fl.us</a> <a href="mailto:aking@psc.state.fl.us">aking@psc.state.fl.us</a></p> <p>J. R. Kelly / P. Christensen / T. David / A. Fall-Fry Office of Public Counsel c/o The Florida Legislature 111 West Madison St., Rm. 812 Tallahassee, FL 32399 <a href="mailto:kelly.jr@leg.state.fl.us">kelly.jr@leg.state.fl.us</a> <a href="mailto:christensen.patty@leg.state.fl.us">christensen.patty@leg.state.fl.us</a> <a href="mailto:david.tad@leg.state.fl.us">david.tad@leg.state.fl.us</a> <a href="mailto:fall-fry.mireille@leg.state.fl.us">fall-fry.mireille@leg.state.fl.us</a></p> <p>B. Marshall / B. Malloy / J. Luebkekmann Earthjustice 111 S. Martin Luther King Blvd. Tallahassee, FL 32301 <a href="mailto:bmarshall@earthjustice.org">bmarshall@earthjustice.org</a> <a href="mailto:bmalley@earthjustice.org">bmalley@earthjustice.org</a> <a href="mailto:jluebkekmann@earthjustice.org">jluebkekmann@earthjustice.org</a></p>	<p>George Cavros SACE 120 E. Oakland Park Blvd., Ste. 105 Fort Lauderdale, FL 33334 <a href="mailto:george@cleanenergy.org">george@cleanenergy.org</a></p> <p>Joan Matthews / Allan Charles FDACS – Office of General Counsel 407 S. Calhoun St., Ste. 520 Tallahassee, FL 32399-0800 <a href="mailto:joan.matthews@freshfromflorida.com">joan.matthews@freshfromflorida.com</a> <a href="mailto:allan.charles@freshfromflorida.com">allan.charles@freshfromflorida.com</a></p> <p>Stephanie Eaton 110 Oakwood Dr., Ste. 500 Winston-Salem, NC 27103 <a href="mailto:seaton@spilmanlaw.com">seaton@spilmanlaw.com</a></p> <p>Derrick Williamson / Barry Naum 1100 Bent Creek Blvd., Ste. 101 Mechanicsburg, PA 17050 <a href="mailto:dwilliamson@spilmanlaw.com">dwilliamson@spilmanlaw.com</a> <a href="mailto:bnaum@spilmanlaw.com">bnaum@spilmanlaw.com</a></p>
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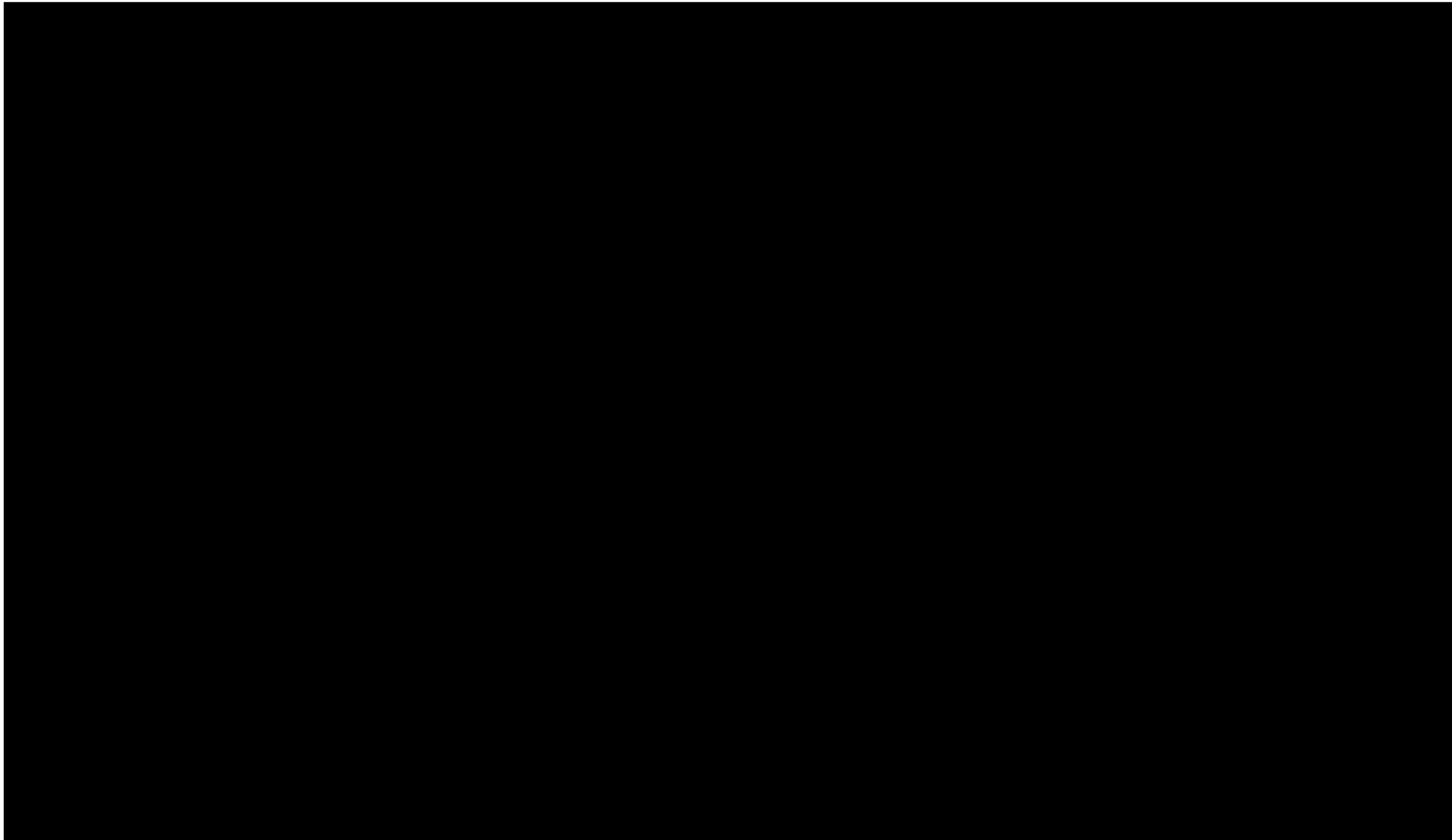
# **Exhibit A**

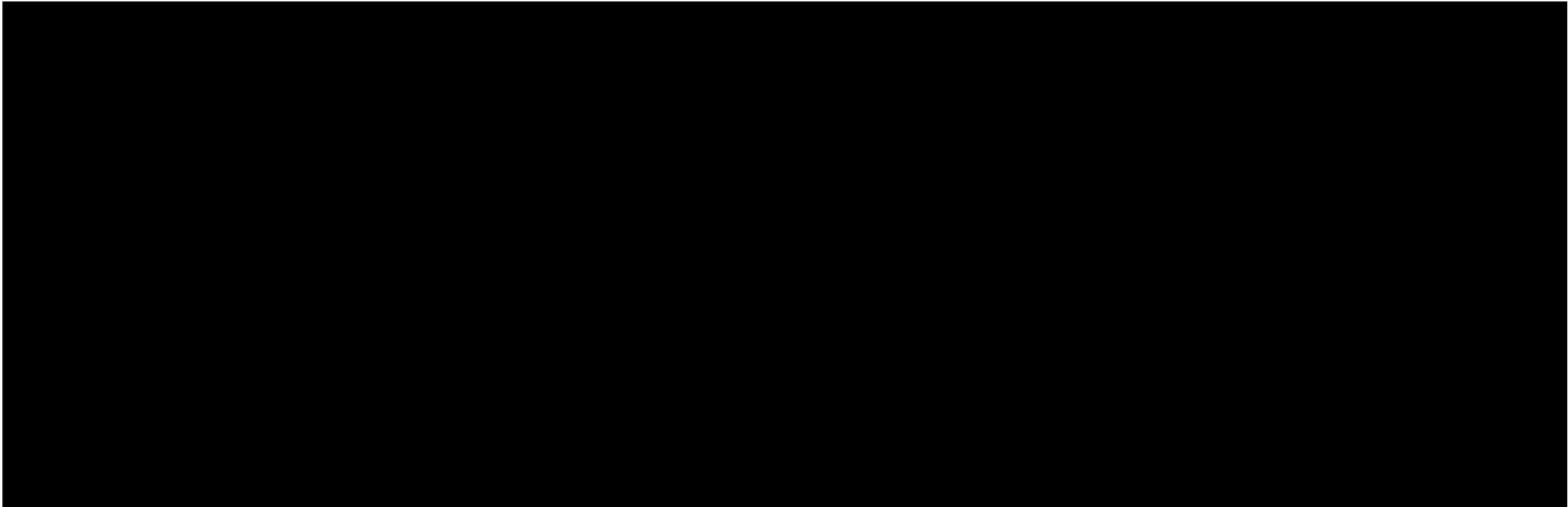
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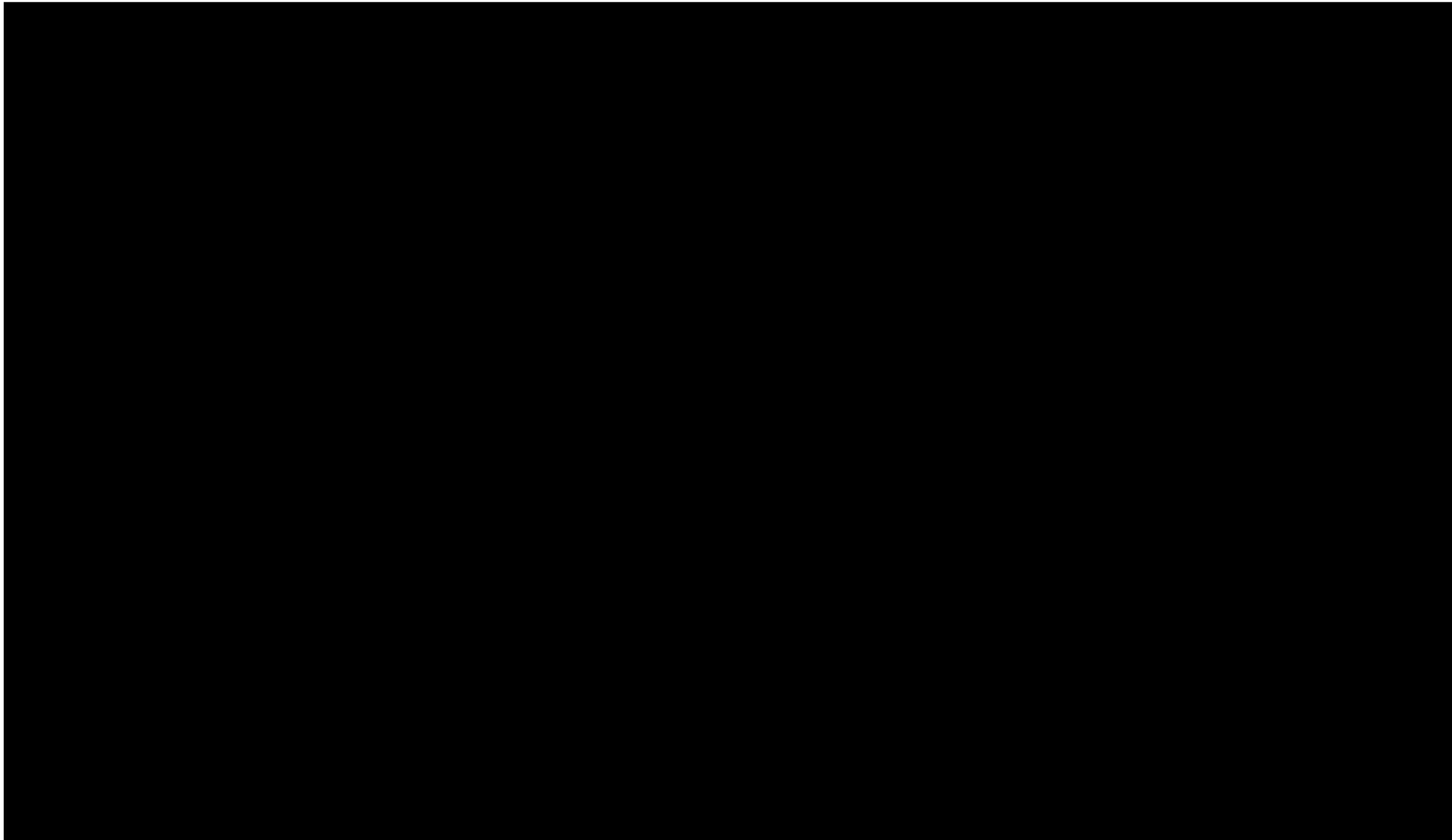
**FILED ON May 29, 2019 UNDER  
SEPARATE COVER**

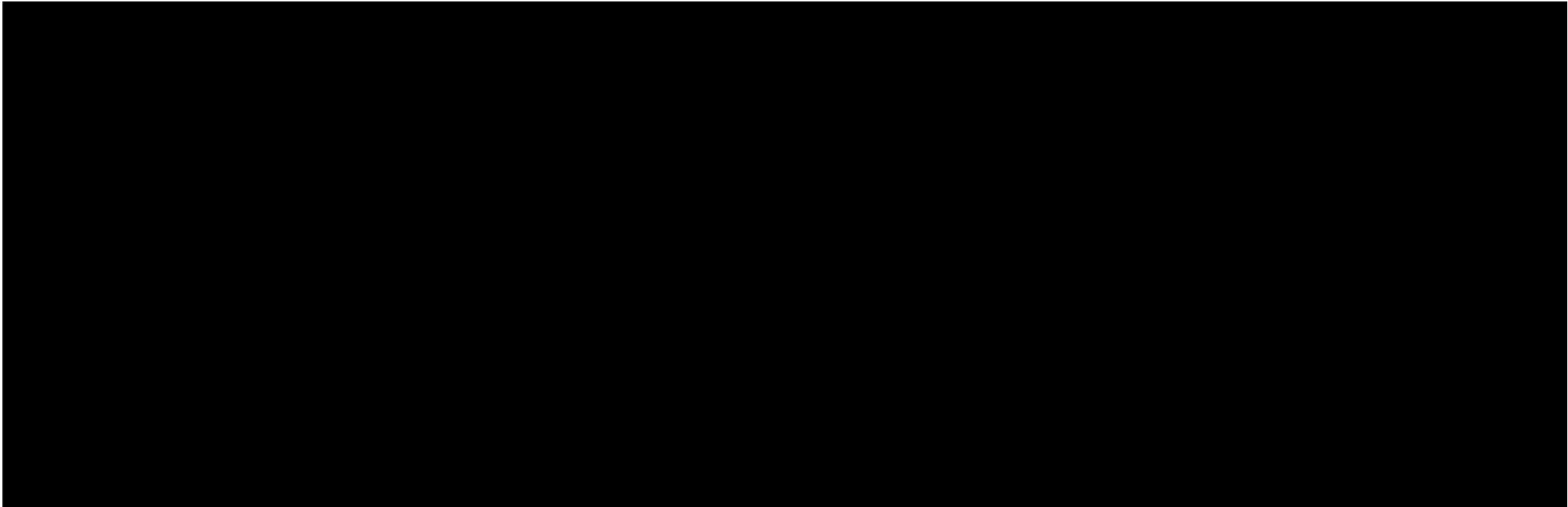
# **Exhibit B**

**REDACTED**









**Exhibit C**

**DUKE ENERGY FLORIDA  
Confidentiality Justification Matrix**

<b>DOCUMENT/RESPONSES</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
DEF's Response to Staff's 3 <sup>rd</sup> Set of Interrogatories (Nos. 49-58), specifically Question 49c	Question 49c-Bates numbers 201900018-DEF-0040901 through 20190018-DEF-0040902: the information contained on the pages in their entirety.	§366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's competitive interests, the disclosure would impair the competitive business.

# **Exhibit D**

## **AFFIDAVIT OF JIM HERNDON**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Commission Review of Numeric  
Conservation Goals (Duke Energy Florida,  
LLC)

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Docket No. 20190018-EG

Dated: June 19, 2019

**AFFIDAVIT OF JIM HERNDON IN SUPPORT OF  
DUKE ENERGY FLORIDA'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

1. My name is Jim Herndon. 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 a Vice President in the Strategy and Planning Practice, within the Utilities Services department of Nexant, Inc.

3. As a Vice President in the Strategy and Planning Practice, I am responsible for providing consulting services for Nexant clients in the field of Demand-

Side Management (“DSM”) initiatives. In this capacity, I primarily focus on DSM planning, including analysis of DSM market impacts, and assisting utilities in the identification of DSM opportunities and the development and design of DSM program initiatives. This includes the development of market baseline and potential studies, cost-benefit analysis and design of comprehensive DSM programs and portfolios.

4. DEF is seeking confidential classification for a portion of DEF’s Response to Staff’s Third Set of Interrogatories (Nos. 49-58), specifically question 49c, served on May 29, 2019, in this docket. The confidential information at issue is contained in confidential Exhibit A provided with DEF’s Notice of Intent to Request Confidential Classification provided on May 29, 2019 and is outlined in DEF’s Justification Matrix attached to DEF’s Request as Exhibit C. DEF is requesting confidential classification of this information because it contains confidential proprietary business information relating to specific algorithms and calculations regarding Nexant’s Photovoltaic (PV) Model. The disclosure of that information to the public would adversely impact DEF and third-party vendors’ competitive business interests

5. Upon receipt of confidential information from suppliers, and with 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. 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 12 day of June, 2019.



(Signature)

Jim Herndon

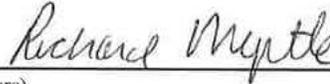
Vice President, Strategy and Planning  
Practice

Nexant, Inc.

2000 Regency Parkway, Suite 455

Cary, North Carolina 27518

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this <sup>12<sup>th</sup></sup> day of JUNE, 2019, by Jim Herndon. He is personally known to me or has produced his NORTH CAROLINA driver's license, or his \_\_\_\_\_ as identification.



(Signature)

RICHARD MYRTLE

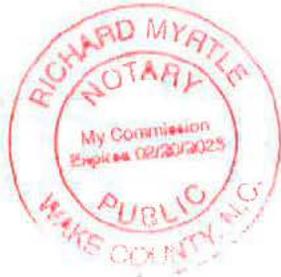
(Printed Name)

NOTARY PUBLIC, STATE OF NORTH  
CAROLINA

7/20/2023

(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



(Serial Number, If Any)