



Matthew R. Bernier
Associate General Counsel
Duke Energy Florida, LLC.

July 19, 2019

VIA ELECTRONIC FILING

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

Re: *Fuel and purchased power cost recovery clause with generating performance incentive factor; Docket No. 20190001-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification filed in connection with its Response to OPC's Second Request to Produce Documents. The filing includes the following:

- DEF's Request for Confidential Classification
- Slipsheet for confidential Exhibit A
- Redacted Exhibit B (two copies)
- Exhibit C (justification matrix), and
- Exhibit D (affidavit of Jeffrey Swartz)

DEF's confidential Exhibit A that accompanies the above-referenced filing was provided on June 28, 2019, with DEF's Notice of Intent to Request Confidential Classification.

Thank you for your assistance in this matter. Please feel free to call me at (850) 521-1428 should you have any questions concerning this filing.

Respectfully,

s/Matthew R. Bernier

Matthew R. Bernier

MRB/mw
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating performance
incentive factor.

Docket No. 20190001-EI

Dated: July 19, 2019

**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 (the “Request”) for certain information provided in response to Office of the Public Counsel’s (“OPC”) Second Request to Produce Documents (Nos. 26-29) filed concurrently with DEF’s Notice of Intent to Request Confidential Classification on June 28, 2019. The Request is timely. *See* Rule 25-22.006(3)(a)1., F.A.C. In support of this Request, DEF states:

1. DEF’s responses to OPC’s Second Request to Produce Documents, specifically questions 26, 27 and 29 contain “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

2. 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 June 28, 2019. In the unredacted versions, the information asserted to be confidential is highlighted yellow.

(b) Composite Exhibit B consists of 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 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 information at issue relates to proprietary third-party drawings, evaluations and information. Pursuant to contracts, DEF is obligated to maintain the confidentiality of this information, and therefore it qualifies for confidential classification. The disclosure of this information could adversely affect the Company’s ability to contract on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Jeffrey Swartz at ¶ 5. Furthermore, disclosure of the information could detrimentally impact DEF’s ability to negotiate favorable contracts, thereby harming its competitive interests, ultimately to its customers’ detriment. *See* § 366.093(3)(e), F.S.; Affidavit of Jeffrey Swartz at ¶ 6. 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 Jeffrey Swartz at ¶ 7. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. *See* Affidavit of Jeffrey Swartz at ¶ 7.

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 19th day of July, 2019.

s/Matthew R. Bernier

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Duke Energy Florida, Inc.
Docket No.: 20190001
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 19th day of July, 2019 to all parties of record as indicated below.

s/Matthew R. Bernier
Attorney

<p>Suzanne Brownless / Johana Nieves Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us jnieves@psc.state.fl.us</p> <p>James Beasley / J. Jeffrey Wahlen Ausley McMullen P.O. Box 391 Tallahassee, FL 32302 jbeasley@ausley.com jwahlen@ausley.com</p> <p>Russell A. Badders Gulf Power Company One Energy Place Pensacola, FL 32520 russell.badders@nexteraenergy.com</p> <p>Holly Henderson Gulf Power Company 215 S. Monroe St., Ste. 618 Tallahassee, FL 32301 holly.henderson@nexteraenergy.com</p>	<p>J.R. Kelly / P. Christensen / T. David / S. Morse Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 kelly.jr@leg.state.fl.us christensen.patty@leg.state.fl.us david.tad@leg.state.fl.us morse.stephanie@leg.state.fl.us</p> <p>Ms. Paula K. Brown Regulatory Affairs Tampa Electric Company P.O. Box 111 Tampa, FL 33601-0111 regdept@tecoenergy.com</p> <p>Maria Moncada / Joel Baker Florida Power & Light Company 700 Universe Blvd. (LAW/JB) Juno Beach, FL 33408-0420 maria.moncada@fpl.com joel.baker@fpl.com</p> <p>James Brew / Laura Wynn Stone Law Firm 1025 Thomas Jefferson St., N.W. Suite 800 West Washington, DC 20007 jbrew@smxblaw.com law@smxblaw.com</p> <p>Robert Scheffel Wright / John T. LaVia, III c/o Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p>	<p>Steven Griffin Beggs & Lane P.O. Box 12950 Pensacola, FL 32591 srg@beggslane.com</p> <p>Kenneth A. Hoffman Florida Power & Light Company 134 W. Jefferson Street Tallahassee, FL 32301-1713 ken.hoffman@fpl.com</p> <p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com mqualls@moylelaw.com</p> <p>Mike Cassel Florida Public Utilities Company 1750 S. 14th Street, Suite 200 Fernandina Beach, FL 32034 mcassel@fpuc.com</p> <p>Beth Keating Gunster, Yoakley & Stewart, P.A. 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 bkeating@gunster.com</p>
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Exhibit A

“CONFIDENTIAL”

(provided on June 28, 2019 -document number 05279-2019)

Exhibit B

REDACTED

(two copies)

REDACTED

The documents bearing bates numbers DEF-19FL-FUEL-0001500 through DEF-19FL-FUEL-001501 are confidential in their entirety.

Duke Energy Florida
Docket No. 20190001
DEF's Response to OPC's 2nd PODs (26-29)
Q27

REDACTED

The documents bearing bates numbers DEF-19FL-FUEL-0001527 through DEF-19FL-FUEL-001600 are confidential in their entirety.

Duke Energy Florida
Docket No. 20190001
DEF's Response to OPC's 2nd PODs (26-29)
Q29

REDACTED

The document bearing bates number DEF-19FL-FUEL-001601 is confidential in its entirety.

REDACTED

The documents bearing bates numbers DEF-19FL-FUEL-0001500 through DEF-19FL-FUEL-001501 are confidential in their entirety.

Duke Energy Florida
Docket No. 20190001
DEF's Response to OPC's 2nd PODs (26-29)
Q27

REDACTED

The documents bearing bates numbers DEF-19FL-FUEL-0001527 through DEF-19FL-FUEL-001600 are confidential in their entirety.

Duke Energy Florida
Docket No. 20190001
DEF's Response to OPC's 2nd PODs (26-29)
Q29

REDACTED

The document bearing bates number DEF-19FL-FUEL-001601 is confidential in its entirety.

**DUKE ENERGY FLORIDA
Confidentiality Justification Matrix**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Response to OPC's Second Request to Produce Documents (Nos. 26-29)	Question 26, Attachment bearing bates numbers DEF-19FL-FUEL-001500 through DEF-19FL-FUEL-001501: The documents are confidential in their entirety.	<p>§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.</p> <p>§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.</p>
DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Response to OPC's Second Request to Produce Documents (Nos. 26-29)	Question 27, Attachment bearing bates number DEF-19FL-FUEL-001527 through DEF-19FL-FUEL-1600: The documents are confidential in their entirety.	<p>§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.</p> <p>§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.</p>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF's Response to OPC's Second Request to Produce Documents (Nos. 26-29)</p>	<p>Question 29, Attachment bearing bates number DEF-19FL-FUEL-001601: The documents are confidential in their entirety.</p>	<p>§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.</p> <p>§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.</p>

Exhibit D

AFFIDAVIT OF JEFFREY SWARTZ

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating
performance incentive factor.

Docket No. 20190001-EI

Dated: July 19, 2019

**AFFIDAVIT OF JEFFREY SWARTZ IN SUPPORT OF
DUKE ENERGY FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Jeffrey Swartz. 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 the Vice President of Florida Generation in the Fossil Hydro Operations Department. This section is responsible for overall leadership and strategic direction of DEF's power generation fleet.

3. As the Vice President of Florida Generation, I am responsible, along with the other members of the section, for strategic and tactical planning to operate and maintain DEF's non-nuclear generation fleet, generation fleet project and additions

recommendations, major maintenance programs, outage and project management, and retirement of generation facilities.

4. DEF is seeking confidential classification for information contained in DEF's Response to OPC's Second Request to Produce Documents (Nos. 26-29), specifically questions 26, 27, and 29 filed on June 28, 2019 in this docket. The confidential information at issue is contained in confidential Exhibit A to DEF's Request and is outlined in DEF's Justification Matrix that is attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains sensitive business information, the disclosure of which would impair the Company's competitive business interests.

5. The confidential information at issue is confidential proprietary information. The information contains drawings, evaluations and information of both DEF and third-party companies, the disclosure of which would impair the Company's competitive business interests and efforts to contract for goods or services on favorable terms. DEF has not publicly disclosed the information. Without DEF's measures to maintain the confidentiality of this sensitive business information, DEF's ability to contract with third-parties could detrimentally impact DEF's ability to negotiate favorable contracts, thereby harming its competitive interests, ultimately to its customers' detriment.

6. Upon receipt of 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 and contracts. 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.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the _____ day of _____, 2019.

(Signature)

Jeffrey Swartz
Vice President Florida Generation
Duke Energy Florida, LLC
Florida Regional Headquarters
St. Petersburg, FL

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ___ day of _____, 2019 by Jeffrey Swartz. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.

(Signature)

(Printed Name)

NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)