

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Fuel and purchased power cost recovery  
Clause with generating performance incentive  
Factor

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Docket No. 20190001-EI

Dated: September 3, 2019

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

Duke Energy Florida, LLC (“DEF”), hereby moves pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, for entry of a temporary protective order covering confidential documents and information sought in discovery by the Office of Public Counsel (“OPC”) and as grounds therefore states as follows:

1. In its Fourth Set of Interrogatories (Nos. 18-31) and its Request for Production of Documents (Nos. 34-39), OPC has requested confidential information and documents. The documents responsive to the interrogatories and request for production contain confidential proprietary information, competitive business information of both DEF and third-party companies, and detailed findings that have not been publicly disclosed. Confidential protection of this information is requested because public disclosure of this information could adversely affect the Company’s competitive business interests and efforts to contract for goods or services on favorable terms and/the release of this information could adversely impact the proprietary rights of third parties, therefore impacting the company’s competitive interest and ultimately having a detrimental impact on DEF’s customers. Disclosure of this

information may cause harm to the company's business operations and this information has not been disclosed or released to the public. *See* Section 366.093(3)(d), Fla. Stat.

2. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, direct that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by public counsel as confidential and shall be exempt from the public records law, Chapter 119.07(1), Florida Statutes. DEF, by this motion, is seeking protection of all confidential documents and information that DEF will produce to OPC in this matter pursuant to OPC's Fourth Set of Interrogatories and OPC's Fourth Request to Produce Documents as more specifically stated above. By following this procedure and producing these documents and information, DEF is not waiving its right to seek further relief as necessary to make certain that its confidential, proprietary, business information is not publicly disclosed during any public hearing in this docket.

3. DEF further requests that in connection with the entry of a temporary protective order, the Commission also requires Public Counsel to provide DEF with notice of its intent to use such confidential documents and 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 information identified as confidential and produced in response to OPC's Fourth Set of Interrogatories and OPC's Fourth Request to Produce Documents, instructing Public Counsel to continue to treat it as confidential, and requiring Public Counsel to provide DEF with notice of its intent to use such confidential information in connection with the

hearing in accord with the prehearing order governing procedure.

Respectfully submitted this 3<sup>rd</sup> day of September, 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 3<sup>rd</sup> day of September, 2019.

*s/ Matthew R. Bernier*  
Attorney

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