



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

June 18, 2021

VIA ELECTRONIC FILING

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. 20210001-EI

Dear Mr. Teitzman:

Please find attached for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Second Request for Extension of Confidential Classification concerning certain information contained in the direct testimony of Jeffrey Swartz and Exhibit No. __ (JS-1) and Exhibit Nos. __ (CAM-2T) and __ (CAM-3T) to the direct testimony of Christopher A. Menendez filed on March 2, 2018, in docket number 20180001-EI and Revised Exhibit D, Affidavits of Jeffrey Swartz and Gary Dean.

There are no changes to the First Request's Revised Exhibit A consisting of the confidential unredacted documents, Revised Exhibit B containing two (2) redacted copies of the confidential document, or Revised Exhibit C containing a justification table in support of DEF's original Request submitted on October 23, 2019. The aforementioned exhibits remain on file with the Clerk.

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
Associate General Counsel
Matt.Bernier@duke-energy.com

MRB/mw
Attachments

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20210001-EI

Dated: June 18, 2021

**DUKE ENERGY FLORIDA, LLC'S
SECOND REQUEST FOR EXTENSION OF 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 its Second Request for Extension of Confidential Classification (“Request”) for certain information provided in the direct testimony of Jeffrey Swartz, in Exhibit No. __ (JS-1) to Mr. Swartz’s testimony, and in Exhibit Nos. __ (CAM-2T) and __ (CAM-3T) to the direct testimony of Christopher A. Menendez. In support of this Request, DEF states:

1. On March 2, 2018, DEF filed a request for confidential classification for certain information provided in the direct testimony of Jeffrey Swartz, in Exhibit No. __ (JS-1) to Mr. Swartz’s testimony, and in Exhibit Nos. __ (CAM-2T) and __ (CAM-3T) to the direct testimony of Christopher A. Menendez, (Document No. 02029-2018), which includes confidential business information such as contractual cost data, third-party proprietary information, and competitively negotiated data.

2. DEF’s March 2, 2018 Request was granted by Order No. PSC-2018-0198-CFO-EI on April 23, 2018. On October 23, 2019, DEF filed its First Request for Extension of Confidential

Classification removing a portion of the original confidential information submitted on March 2, 2018. DEF's First Request was granted by Order No. PSC 2019-0543-CFO-EI on December 20, 2019, the period of confidential treatment granted by that order will expire on June 21, 2021. The information continues to warrant treatment as "proprietary confidential business information" within the meaning of Section 366.093(3), F.S. Accordingly, DEF is filing its Second Request for Extension of Confidential Classification.

3. DEF submits that certain information provided in the direct testimony of Jeffrey Swartz and in Exhibit No. __ (JS-1) to Mr. Swartz's testimony, and in Exhibit Nos. __ (CAM-2T) and __ (CAM-3T) to the direct testimony of Christopher A. Menendez identified in Exhibit "A" and Exhibit "C" to the March 2, 2018 Request continues to be "proprietary confidential business information" within the meaning of section 366.093(3), F.S. and continues to require confidential classification. *See* Affidavits of Jeffrey Swartz and Gary Dean at ¶ 4, attached as Revised Exhibit "D". This information is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public. Pursuant to section 366.093(1), F.S., such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the Public Records Act. *See* Affidavits of Jeffrey Swartz and Gary Dean ¶¶ 5-6.

4. Nothing has changed since the issuance of Order No. PSC-19-0543-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Upon a finding by the Commission that this information continues to be "proprietary confidential business information," it should continue to be treated as such for an additional period of at least 18 months and should be returned to DEF as soon as the information is no longer necessary for the Commission to conduct its business. *See* §366.093(4), F.S.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this Second Request for Extension of Confidential Classification be granted.

Respectfully submitted this 18th day of June, 2021.

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 this 18th day of June, 2021, to all parties of record as indicated below.

s/Matthew R. Bernier
Attorney

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Revised Exhibit A

“CONFIDENTIAL”

(on file)

Revised Exhibit B

REDACTED

(on file)

**Revised Exhibit C
(on file)**

**DUKE ENERGY FLORIDA
Confidentiality Justification Matrix**

REVISED 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. 20210001-EI

Dated: June 18, 2021

**AFFIDAVIT OF JEFFREY SWARTZ IN SUPPORT OF
DUKE ENERGY FLORIDA'S SECOND REQUEST
FOR EXTENSION OF 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 Second Request for Extension of 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 Regulated and Renewable Energy 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 an extension of confidential classification for portions of my direct testimony, specifically information on pages 3, 5, and 6, and Exhibit No. ___(JS-1) to my direct testimony filed on March 2, 2018 in Docket No. 20180001. DEF is requesting an extension of confidential classification of this information because it contains sensitive business information, the disclosure of which would impair the Company's competitive business interests and ability to contract for goods and services on favorable terms.

5. The Company is requesting an extension of confidential classification of portions of my testimony and Exhibit No. ___(JS-1) because it contains proprietary and confidential third-party owned information, the disclosure of which would impair third-party's competitive business interests, and if disclosed, the Company's competitive business interests and efforts to contact for goods or services on favorable terms. DEF has not publicly disclosed the detailed findings contained in the Root Cause Analysis report.

6. Upon receipt of its this 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 15th day of JUNE, 2021.

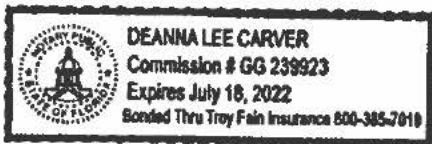
Jeffrey Swartz
(Signature)
Jeffrey Swartz
Vice President Florida Generation
Duke Energy Florida, LLC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 15 day of June, 2021 by Jeffrey Swartz. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.

Deanna Lee Carver
(Signature)
Deanna Lee Carver
(Printed Name)
NOTARY PUBLIC, STATE OF Florida
July 18, 2022
(Commission Expiration Date)

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)



REVISED EXHIBIT D

**AFFIDAVIT OF
GARY DEAN**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20210001-EI

Dated: June 18, 2021

**AFFIDAVIT OF GARY DEAN IN SUPPORT OF
DUKE ENERGY FLORIDA'S SECOND REQUEST
FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Gary Dean. 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 Second Request for Extension of Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Rates and Regulatory Strategy Manager within the Regulatory Planning Projects department. This department is responsible for regulatory planning and cost recovery for DEF.

3. As the Rates and Regulatory Strategy Manager, I am responsible, along with the other members of the section, for the production and review of the regulatory financial reports of DEF and analysis of state, federal and local regulations, and their impact on DEF.

4. DEF is seeking an extension of confidential classification for a portion of Exhibit No. __ (CAM-2T); Calculation of Actual True-Up, Sheet 2 of 3 and Calculation of Actual/Estimated True Up, Sheet 3 of 3 and Exhibit No. ____ (CAM-3T); Schedule A12, Sheet 9 of 9, to the direct testimony of Christopher A. Menendez filed on March 2, 2018 in Docket No. 20180001. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix C. The referenced Exhibits are on file with the Clerk. DEF is requesting an extension of confidential classification of this information because it contains competitively sensitive contractual confidential business information of capacity suppliers DEF contracts with.

5. DEF negotiates with potential capacity suppliers to obtain competitive contracts for capacity purchase options that provide economic value and system reliability to DEF and its customers. In order to obtain such contracts, however, DEF must be able to assure capacity suppliers that sensitive business information, such as the contractual terms, will be kept confidential. DEF enters into contracts that require the information will be protected from disclosure. In order to protect this confidential information, it is also necessary to keep additional information that could be used to compute the confidential information at issue if made public; for example, if costs relating to one contract were held confidential, but all other contractual costs and the resulting subtotal were public, the confidential information would become apparent. For

this reason, DEF has held confidential the remaining information on the subject exhibits that could be used to compute to the confidential information in need of protection.

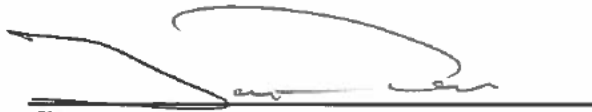
6. Absent such measures, suppliers would run the risk that sensitive business information that they provided in their contracts with DEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with DEF might decide not to do so if DEF did not keep those terms confidential. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and capacity suppliers, the Company's efforts to obtain competitive capacity contracts could be undermined. Additionally, the disclosure of confidential information in DEF's capacity purchases could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive capacity purchase options that provide economic value to both DEF and its customers could be compromised by DEF's competitors changing their consumption or purchasing behavior within the relevant markets.

7. Upon receipt of confidential information from capacity 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 and contracts. At no time since receiving the contracts and information in question has the Company publicly disclosed that information or contracts. The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 18th day of June, 2021.



(Signature)

Gary Dean

Rates and Regulatory Strategy Manager

Regulatory Planning Projects

Duke Energy Florida, LLC

299 1st Avenue South

St. Petersburg, FL 33701

18th THE FOREGOING INSTRUMENT was sworn to and subscribed before me this June, 2021, by Gary Dean. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.



(Signature)

Monique West

(Printed Name)

NOTARY PUBLIC, STATE OF FLORIDA

June 28, 2023

(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



(Serial Number, If Any)