

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** June 23, 2021

**TO:** Division of Accounting and Finance, Office of Primary Responsibility

**FROM:** OFFICE OF COMMISSION CLERK

**RE:** CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NOS: 20190001-EI DOCUMENT NO: 09533-2019

DESCRIPTION: Duke Energy (Bernier) - (CONFIDENTIAL) Revised Exh A [to request for extension of confidential classification concerning information contained in the direct testimony and Exh JS-1 of Jeffrey Swartz; and Exh CAM-2T and CAM-3T to the direct testimony of Christopher A. Menendez]. [x-ref DN 02031-2019]

SOURCE: Duke Energy Florida, LLC

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The above confidential material was filed along with a request for second extension of confidential classification. Please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
- (a) Trade secrets;
  - (b) Internal auditing controls and reports of internal auditors;
  - (c) Security measures, systems, or procedures;
  - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms;
  - (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information;
  - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by /s/Devlin Higgins on 6.24.21, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.

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**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** June 24, 2021

**TO:** Suzanne S. Brownless, Special Counsel, Office of the General Counsel

**FROM:** Devlin Higgins, Public Utility Analyst IV, Division of Accounting & Finance

**RE:** CONFIDENTIALITY OF CERTAIN INFORMATION  
DOCKET NO: 20210001-EI DOCUMENT NO: 09533-2019  
DESCRIPTION: Duke Energy (Bernier) - (CONFIDENTIAL) Revised Exh A [to request for extension of confidential classification concerning information contained in the direct testimony and Exh JS-1 of Jeffrey Swartz; and Exh CAM-2T and CAM-3T to the direct testimony of Christopher A. Menendez]. [x-ref DN 02031-2019].

SOURCE: Duke Energy Florida

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Pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code, Duke Energy Florida (DEF or Company) requests confidential classification of certain information originally filed in the above-referenced (2018) docket, dated March 2, 2018. Staff notes this is a 2nd request for extension of confidential classification of Document Nos. 09533-2019, which is an updated version of confidential Document No. 02031-2018.<sup>1</sup> Document No. 09533-2019 remains unchanged, and is the direct subject of this request for extension of confidential classification.

The Company is claiming confidentiality of its information under Section 366.093(3)(d), F.S., and Section 366.093(3)(e), F.S. Per the Statute, propriety of confidential business information includes, but is not limited to: Subsection (d) “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms,” and Subsection (e) “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.”

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<sup>1</sup>Order No. PSC-2018-0198-CFO-EI, Issued April 23, 2018, in Docket No. 20190001-EI, *In re: Fuel and purchased power cost recovery clause with generating performance incentive factor*, and Order No. PSC-2019-0543-CFO-EI, Issued December 20, 2019, in Docket No. 20190001-EI, *In re: Fuel and purchased power cost recovery clause with generating performance incentive factor*.

More specifically, the information at issue relates to claimed proprietary and confidential contractual third-party owned information contained in a “root-cause analysis” of equipment-related events occurring at Plant Bartow. DEF asserts that if it cannot demonstrate to its third-party partners that the Company has the ability to protect those third-parties’ confidential and proprietary business information, it will be less likely that DEF can secure contracts that benefit its customers.

Staff has reviewed the Company’s confidentiality request. It is staff’s opinion that the information subject to this request meets the criteria for confidentiality contained in Section 366.093(3)(d), F.S., and Section 366.093(3)(e), F.S.