



Matthew R. Bernier
Associate General Counsel

June 20, 2022

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. 20220001-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification for certain information provided in its Response to the OPC's Fourth Set of Interrogatories (Nos. 31-69) and OPC's Fourth Request to Produce Documents (Nos. 19-39). The filing includes the following:

- DEF's Request for Confidential Classification
- Slip-sheet for confidential Exhibit A
- Redacted Exhibit B (two copies)
- Exhibit C (justification matrix), and
- Exhibit D (affidavit of Anthony Salvatore)

DEF's confidential Exhibit A that accompanies the above-referenced was submitted with DEF's Notice of Intent to Request Confidential Classification on May 31, 2022, June 3, 2022, and June 6, 2022, respectively, under separate cover.

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. 20220001-EI

Dated: June 20, 2022

**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 its response to the Office of the Public Counsel’s (“OPC”) Fourth Set of Interrogatories (Nos. 31-69), dated March 31, 2022, and OPC’s Fourth Request for Production of Documents (Nos. 19-39), dated June 3, 2022, respectively, and its Supplemental Response to OPC’s Fourth Request for Production of Documents, June 6, 2022, 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:

1. DEF’s Responses to OPC’s Fourth Set of Interrogatories (Nos. 31-69) , specifically question 31, and OPC’s Fourth Request for the Production of Documents (Nos. 19-39), specifically questions 28 and 30, contain information that is “confidential proprietary 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 unredacted copies of all the documents for which DEF seeks confidential treatment. Composite Exhibit A was submitted separately in a sealed envelope labeled “CONFIDENTIAL” on March 31, 2022, June 3, 2022, and

June 6, 2022, respectively. In the unredacted versions, 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 page and line the information for which DEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

(d) Exhibit D contains affidavits 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 in DEF’s response to Interrogatory No. 31 and Request for Production Nos. 28 and 30, relate to proprietary contracts, third party 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 Anthony Salvatore at ¶¶ 4 and 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 Anthony Salvatore at ¶¶ 4 and 5. 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 Anthony Salvarezza at ¶ 6. The information has not been disclosed to the public, and the Company has treated and continues to treat the information at issue as confidential. *See* Affidavit of Anthony Salvarezza at ¶ 6.

6. 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 20th day of June, 2022.

s/Matthew R. Bernier
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Attorneys for Duke Energy Florida, LLC

Duke Energy Florida, LLC
CERTIFICATE OF SERVICE
Docket No. 20220001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via email this 20th day of June, 2022, to all parties of record as indicated below.

s/Matthew R. Bernier
Attorney

<p>Suzanne Brownless Ryan Sandy Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us rsandy@psc.state.fl.us</p> <p>J. Wahlen / M. Means Ausley McMullen P.O. Box 391 Tallahassee, FL 32302 jwahlen@ausley.com mmeans@ausley.com</p> <p>Kenneth A. Hoffman Florida Power & Light Company 134 W. Jefferson Street Tallahassee, FL 32301-1713 kenhoffman@fpl.com</p> <p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. FIPUG 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com mqualls@moylelaw.com</p> <p>Corey Allain Nucor Steel Florida, Inc. 22 Nucor Drive Frostproof, FL 33843 corey.allain@nucor.com</p>	<p>Anastacia Pirrello / Richard Gentry Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 pirrello.anastacia@leg.state.fl.us gentry.richard@leg.state.fl.us</p> <p>Paula K. Brown Regulatory Affairs Tampa Electric Company P.O. Box 111 Tampa, FL 33601-0111 regdept@tecoenergy.com</p> <p>Maria Moncada / David Lee Florida Power & Light Company 700 Universe Blvd. (LAW/JP) Juno Beach, FL 33408-0420 david.lee@fpl.com maria.moncada@fpl.com</p> <p>James Brew / Laura W. Baker Stone Mattheis Xenopoulos & Brew, P.C. White Springs/PCS Phosphate 1025 Thomas Jefferson St., N.W. Eighth Floor, West Tower Washington, DC 20007 jbrew@smxblaw.com lwb@smxblaw.com</p>	<p>Mike Cassel Florida Public Utilities Company 208 Wildlight Avenue Yulee, FL 32097 mcassel@fpuc.com</p> <p>Michelle D. Napier Florida Public Utilities Company 1635 Meathe Drive West Palm Beach, FL 33411 mnapier@fpuc.com</p> <p>Beth Keating Gunster, Yoakley & Stewart, P.A. FPUC 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 bkeating@gunster.com</p> <p>Robert Scheffel Wright John T. LaVia, III Florida Retail Federation Gardner, Bist, Bowden, Dee, LaVia, Wright, Perry, & Harper, P.A. 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p> <p>Peter J. Mattheis Michael K. Lavanga Joseph R. Briscar Stone, Mattheis, Xenopoulos, & Brew P.C. Nucor 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 pjm@smxblaw.com mkl@smxblaw.com jrb@smxblaw.com</p>
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Exhibit A

“CONFIDENTIAL”

**(filed under separate cover on May 31, 2022, June 3,
2022 and June 6, 2022)**

Exhibit B

REDACTED

(one copy)

Duke Energy Florida, LLC
Docket No. 20220001-EI
DEF's Response to OPC POD 4 (19-39)
Q28

Documents bearing bates numbers
20220001-DEF-002450 through 20220001-DEF-002452
are REDACTED in their entirety

Duke Energy Florida, LLC
Docket No. 20220001-EI
DEF's Supplemental Response to OPC POD 4 (19-39)
Q30

Documents bearing bates numbers
20220001-DEF-002453 through 20220001-DEF-002539
are REDACTED in their entirety

Duke Energy Florida, LLC
Docket No. 20220001-EI
DEF's Response to OPC ROG 4 (31-69)
Q31

Documents bearing bates numbers
20220001-DEF-002424 through 20220001-DEF-002425
are REDACTED in their entirety

Exhibit B

REDACTED

(two copy)

Duke Energy Florida, LLC
Docket No. 20220001-EI
DEF's Response to OPC POD 4 (19-39)
Q28

Documents bearing bates numbers
20220001-DEF-002450 through 20220001-DEF-002452
are REDACTED in their entirety

Duke Energy Florida, LLC
Docket No. 20220001-EI
DEF's Supplemental Response to OPC POD 4 (19-39)
Q30

Documents bearing bates numbers
20220001-DEF-002453 through 20220001-DEF-002539
are REDACTED in their entirety

Duke Energy Florida, LLC
Docket No. 20220001-EI
DEF's Response to OPC ROG 4 (31-69)
Q31

Documents bearing bates numbers
20220001-DEF-002424 through 20220001-DEF-002425
are REDACTED in their entirety

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF's Response to OPC's Fourth Set of Interrogatories (Nos. 31-69), specifically question 31</p>	<p>Question 31: The documents bearing bates numbers 20220001-DEF-002424 through 20220001-DEF-002425 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>
DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF's Response to OPC's Fourth Request for Production of Documents (Nos. 19-39), specifically questions 28 and 30</p>	<p>Question 28: The documents bearing bates numbers 20220001-DEF-002450 through 20220001-DEF-002452 are confidential in their entirety.</p> <p>Question 30: The documents bearing bates numbers 20220001-DEF-002453 through 20220001-DEF-002539 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 ANTHONY SALVAREZZA

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20220001-EI

Dated: June 20, 2022

**AFFIDAVIT OF ANTHONY SALVAREZZA 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 Anthony Salvarezza, who being first duly sworn, on oath deposes and says that:

1. My name is Anthony Salvarezza. 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 General Manager of Regional Services. I am responsible for leading and directing project engineering, project management, outage management, business planning and specialized maintenance in Regulated and Renewable Energy. My major duties and responsibilities include providing safe, reliable, efficient, economic, environmental, and regulatory compliant maintenance activities through the development and implementation of processes and programs.

3. DEF is seeking confidential classification for certain information provided in its responses to the Office of the Public Counsel's ("OPC") Fourth Set of Interrogatories (Nos. 31-

69) and OPC's Fourth Request for Production of Documents (Nos. 19-39). 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 and ability to contract for goods and services on favorable terms.

4. The confidential information at issue relates to proprietary third-party and technical information regarding the third-party's proprietary component design and operation parameters, the disclosure of which would impair the 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. In order to contract with third-party vendors on favorable terms, DEF must keep third-party proprietary information confidential.

5. Further, if DEF cannot demonstrate to its third-party vendors and others that may enter contracts with DEF in the future, that DEF has the ability to protect those third parties' confidential and proprietary business information, third parties will be less likely to provide that information to DEF – harming DEF's ability to prudently operate its business. 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, as third parties may begin to demand a "premium" to do business with DEF to account for the risk that its proprietary information will become a matter of public record, thereby harming DEF's competitive interests and ultimately its customers' financial interests.

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 16th day of June, 2022.



(Signature)
Anthony Salvarezza
General Manager – Regional Services

THE FOREGOING INSTRUMENT was sworn to and subscribed before me by means of physical presence or online (video) notarization this 16th day of June, 2022 by Anthony Salvarezza. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.



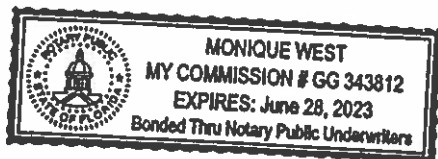
(Signature)

Monique West

(Printed Name)

NOTARY PUBLIC, STATE OF _____

(AFFIX NOTARIAL SEAL)



(Commission Expiration Date) _____

(Serial Number, If Any) _____