



Matthew R. Bernier
Associate General Counsel

November 9, 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 Supplemental Response to the Office of Public Counsel's ("OPC") Second Request to Produce Documents (Nos. 5-16). 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 Salvarezza)

DEF's confidential Exhibit A that accompanies the above-referenced was submitted with DEF's Notice of Intent to Request Confidential Classification on October 19, 2022, 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: November 9, 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 supplemental response to the Office of the Public Counsel’s (“OPC”) Second Request for Production of Documents (Nos. 5-16), dated October 19, 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 Supplemental Response to OPC’s Second Request for the Production of Documents (Nos. 5-16), specifically question 5, contains documents information that are “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 October 19, 2022, document number 09607-2022. 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 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 in DEF’s supplemental response to Request for Production No. 5, relates to proprietary third-party and technical information regarding the third-party’s proprietary component design and operation parameters. 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 ¶¶ 3, 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 ¶¶ 3, 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 Salvatore 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 Salvatore at ¶¶ 5 and 6.

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 9th day of November, 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 9th day of November, 2022, to all parties of record as indicated below.

s/Matthew R. Bernier
Attorney

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Exhibit A

“CONFIDENTIAL”

**(filed under separate cover on October 19, 2022
document number 09607-2022)**

Exhibit B

REDACTED

(one copy)

Documents bearing bates numbers
20220001-DEF-002564
through
20220001-DEF-002579
are confidential in their entirety.

Exhibit B

REDACTED

(two copy)

Documents bearing bates numbers
20220001-DEF-002564
through
20220001-DEF-002579
are confidential in their entirety.

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Supplemental Response to OPC's Second Request to Produce Documents (Nos. 5-16), specifically question 5	Question 5: The documents bearing bates numbers 20220001-DEF-002564 through 20220001-DEF-002579 are confidential in their entirety.	§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. §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.

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: November 9, 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 supplemental response to the Office of the Public Counsel's ("OPC") Second Request to Produce Documents (Nos. 5-16), specifically question 5. 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 contract 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 into 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.

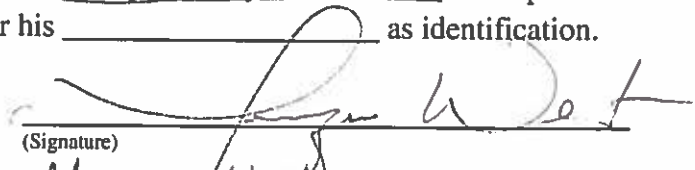
Further affiant sayeth not.

Dated the 27th day of November, 2022.



Anthony Salvarezza
General Manager – Regional Services

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 27th day of November, 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)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)

