



Matthew R. Bernier
Associate General Counsel

July 17, 2023

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. 20230001-EI*

Dear Mr. Teitzman:

Please find enclosed 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 Hedging Audit Workpapers 2019-070-2-1, filed in docket no. 20190001-EI and Revised Exhibit D, Affidavit of Jim McClay. The original Request included Exhibits A, B, and C.

There are no changes to the original Request’s Exhibit A consisting of the confidential unredacted documents, Exhibit B containing two (2) redacted copies of the confidential document, or Exhibit C containing a justification table in support of DEF’s original Request. 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

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. 20230001-EI

Dated: July 17, 2023

**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 contained in Staff’s audit work papers pertaining to DEF’s 2019 Hedging Activities Audit (*Audit Control No. 2019-070-2-1*). In support of this Request, DEF states:

1. On September 20, 2019, DEF filed a request for confidential classification of information contained in Staff’s audit work-papers pertaining to the 2019 Hedging Activities Audit, Audit Control No. 2019-070-2-1 (Document No. 08955-2019), as it contains sensitive business information such as internal hedging practices and procedures, hedging volumes and transactions, hedging forecasts, percentages and pricing information.

2. DEF’s September 20, 2019 Request was granted on October 16, 2019, by Order No. PSC-2019-0416-CFO-EI and was due to expire on April 16, 2021. DEF filed its First Request for Extension of Confidential Classification on April 15, 2021. The April 15, 2021 Request was granted on January 22, 2022, by Order No. PSC- 2022-0037-CFO-EI. The period of confidential treatment granted by that order will expire on July 21, 2023. 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 the portions of Staff’s audit work-papers identified in Exhibit “A” and Exhibit “C” to the September 20, 2019 Request¹ continue to be “proprietary confidential business information” within the meaning of section 366.093(3), F.S. and continue to require confidential classification. *See* Affidavit of James McClay at ¶ 7, 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* Affidavit of James McClay ¶¶ 5-7.

4. Nothing has changed since the issuance of Order No. PSC-2019-0416-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.

¹ DEF hereby incorporates Exhibits A, B, and C to the original Request, Document No. 08955-2019 submitted on September 20, 2019 in docket no. 20190001-EI as if attached hereto

RESPECTFULLY SUBMITTED this 17th day of July, 2023.

/s/ Matthew R. Bernier

DIANNE M. TRIPLETT

Deputy General Counsel
299 1st Avenue North
St. Petersburg, Florida 33701
T: (727) 820-4692
F: (727) 820-5041
E: dianne.triplett@duke-energy.com

MATTHEW R. BERNIER

Associate General Counsel
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
T: (850) 521-1428
F: (727) 820-5041
E: matthew.bernier@duke-energy.com

STEPHANIE A. CUELLO

Senior Counsel
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
T: (850) 521-1425
F: (727) 820-5041
E: stephanie.cuello@duke-energy.com
FLRegulatoryLegal@duke-energy.com

Attorneys for Duke Energy Florida, LLC

CERTIFICATE OF SERVICE
Docket No. 20230001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 17th day of July, 2023.

/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 / V. Ponder Ausley McMullen Tampa Electric Company P.O. Box 391 Tallahassee, FL 32302 jwahlen@ausley.com mmeans@ausley.com vponder@ausley.com</p> <p>Kenneth A. Hoffman Florida Power & Light Company 134 W. Jefferson Street Tallahassee, FL 32301-1713 ken.hoffman@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>P. Christensen/C. Rehwinkel/M. Wessling Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 christensen.patty@leg.state.fl.us rehwinkel.charles@leg.state.fl.us wessling.mary@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/JB) 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>George Cavros Southern Alliance for Clean Energy 120 E. Oakland Park Blvd., Suite 105 Fort Lauderdale, Florida 33334 george@cavros-law.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 Nucor c/o Stone Mattheis Xenopoulos & Brew, PC 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 pjm@smxblaw.com mkl@smxblaw.com jrb@smxblaw.com</p>
--	---	--

Exhibit A

“CONFIDENTIAL”

(on file)

Exhibit B

(on file)

Exhibit C

**DUKE ENERGY FLORIDA
Confidentiality Justification Matrix
(On file)**

**REVISED
EXHIBIT D**

**AFFIDAVIT OF
JAMES MCCLAY**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20230001-

EI Dated: July 17, 2023

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

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is James McClay. 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 Managing Director of Natural Gas Trading in the Trading and Dispatch Section of the Fuels and Systems Optimization Department. This group is responsible for the financial hedging activities, oil procurement and natural gas procurement and scheduling needed to support the gas generation needs for Duke Energy Indiana, Duke Energy Kentucky, Duke Energy Carolinas, Duke Energy Progress and Duke Energy Florida.

3. As the Managing Director of Natural Gas Trading, I am responsible, along with the other members of the section, for the management of the natural gas procurement, scheduling and hedging activities in the Trading and Dispatch Section of the Fuels and Systems Optimization Department for the Duke Energy regulated generation fleet.

4. DEF is seeking a Second Extension of confidential classification for information contained in Staff's audit work papers pertaining to DEF's 2019 Hedging Activities Audit (*Audit Control No. 2019-070-2-1*) filed on September 20, 2019, document number 08952-2019, in Docket No. 20190001-EI. 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 a second extension of confidential classification of this information because it contains proprietary confidential sensitive business information, the disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms.

5. DEF conducts hedging activities and negotiates with potential fuel suppliers to obtain competitive contracts for fuel options that provide economic value to DEF and its customers. In order to obtain such contracts at competitive prices, however, DEF must protect from public disclosure sensitive business information, such as internal hedging practices and procedures, hedging volumes and transactions, hedging forecasts, percentages, and pricing information. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed this confidential information. Absent such measures, suppliers and market competitors would have access to sensitive business information DEF uses to plan and execute its fuel procurement processes. With this non-public information, those suppliers or market competitors could alter their behavior to the detriment of DEF and its customers.

Without DEF's measures to maintain the confidentiality of this information, the Company's efforts to obtain competitive fuel supply options that provide economic value to both DEF and its customers could be undermined.

6. Upon receipt of confidential information from fuel 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. The Company has treated and continues to treat the information and contracts at issue as confidential.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the tenth day of July, 2023.

James McClay

(Signature)

James McClay

Managing Director – Natural Gas Trading

Duke Energy

526 South Church

Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 10 day of July, 2023 by James McClay. He is personally known to me, or has produced his North Carolina driver's license, or his _____ as identification.

Katelyn M. Connors

(Signature)

Katelyn M. Connors

(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF North Carolina

July 25, 2024

(Commission Expiration Date)

(Serial Number, If Any)

