

**REDACTED**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Duke Energy Florida, Inc.  
for approval of Nuclear Decommissioning  
Cost Study

Docket No. 140057-EI  
Submitted for Filing: June 23, 2014

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COMMISSION  
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**DUKE ENERGY FLORIDA, INC.'S FIRST REQUEST FOR  
CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, Inc. ("DEF" or the "Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code, files this Request for Confidential Classification of the confidential portions of the documents provided in response to the Florida Public Service Commission Staff's First Data Request, Request for Documents (Nos. 1-12). Specifically, the documents responsive to Document Requests 4, 9, 10, 11, and 12 contain confidential financial and contractual information the disclosure of which would in many cases violate contractual confidentiality clauses, and other information the disclosure of which would impair DEF's competitive business interests if disclosed to third parties. This information meets the definition of proprietary confidential business information under section 366.093(3), Florida Statutes. The unredacted documents are being filed under seal with the Commission on a confidential basis to keep the competitive business and contractual information in the documents confidential.

**BASIS FOR CONFIDENTIAL CLASSIFICATION**

Section 366.093(1), Florida Statutes, provides that "any records received by the

COM \_\_\_\_\_  
AFD 2  
APA \_\_\_\_\_  
ECQ 3 + attached  
ENG 1  
GCL 1  
IDM \_\_\_\_\_  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." § 366.093(1), Fla. Stat. Proprietary confidential business information means information that is (i) intended to be and is treated as private confidential information by the Company, (ii)

because disclosure of the information would cause harm, (iii) either to the Company's customers or the Company's business operation, and (iv) the information has not been voluntarily disclosed to the public. § 366.093(3), Fla. Stat. Specifically, "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" is defined as proprietary confidential business information. § 366.093(3)(d), Fla. Stat. Additionally, section 366.093(3)(e) defines "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information," as proprietary confidential business information.

Portions of the aforementioned documents should be afforded confidential classification for the reasons set forth in the Affidavits of John Heffernan and Michael Delowery filed in support of DEF's First Request for Confidential Classification, and for the following reasons.

DEF's Response to Staff's Request for Documents (Nos. 1-12), specifically the document produced in response to No. 4, is a confidential contract for end of life disposal between DEF and Energy Solutions LLC that contains confidential contractual information regarding the Company's disposal of radioactive materials including spent fuel. See Affidavit of Delowery ¶ 3. DEF considers this information to be confidential and proprietary in nature, and continues to take steps to protect against its public disclosure, including limiting the personnel who have access to this information. Id. at ¶ 6. The Company must be able to assure vendors that sensitive business information, such as the terms of their contracts, will be kept confidential. Indeed, the contract at issue contains a confidentiality provisions that prohibits the disclosure of the terms of the contract to third parties. If third parties were made aware of confidential contractual terms that the Company has with other parties, they may offer DEF less competitive contractual terms

in future contractual negotiations. Id. at ¶¶ 4-5. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and its nuclear contractors, the Company's efforts to obtain competitive contracts would be undermined. Id. at ¶ 4.

Further, the Company has established and follows strict procedures to maintain the confidentiality of the terms of all of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. Id. at ¶ 6. At no time has the Company publicly disclosed the confidential information at issue; DEF has treated and continues to treat the information at issue as confidential. Id. at ¶ 6.

Additionally, DEF's Response to Staff's Request for Documents (Nos. 1-12), specifically the documents responsive to Nos. 9-12, contain financial reports, data, and assumptions of DEF's independent investment advisor Towers Watson. See Affidavit of John Heffernan, ¶¶ 3-4. DEF is requesting confidential classification of these documents because public disclosure of the documents and information in question would compromise DEF's competitive business interests and in many instances, the disclosure of this information would violate contractual confidentiality agreements. Id. at ¶ 4. DEF considers this information to be confidential and proprietary in nature, and continues to take steps to protect against its public disclosure, including limiting the personnel who have access to this information. Id. at ¶¶ 4-5. Public release of this information would harm the Company's competitive business interests and the disclosure of this information would violate contractual confidentiality provisions. Id. at ¶ 5.

Further, the Company has established and follows strict procedures to maintain the confidentiality of the terms of all of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist

the Company. Id. at ¶ 5. At no time has the Company publicly disclosed the confidential information at issue; DEF has treated and continues to treat the information at issue as confidential. Id.

DEF requests this information be granted confidential treatment by the Commission.

### Conclusion

The competitive, confidential documents at issue in this Request fits the statutory definition of proprietary confidential business information under Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C., and therefore that information should be afforded confidential classification. In support of this motion, DEF has enclosed the following:

(1) A separate, sealed envelope containing one copy of the confidential Appendix A to DEF's Request for which DEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted. **This information should be accorded confidential treatment pending a decision on DEF's Request by the Commission;**

(2) Two copies of the documents with the information for which DEF intends to request confidential classification redacted by section, pages, or lines where appropriate as Appendix B; and,

(3) A justification matrix of the confidential information contained in Appendix A supporting DEF's Request, as Appendix C.

WHEREFORE, DEF respectfully requests that the redacted portions of the documents of provided with DEF's Response to the Florida Public Service Commission Staff's First Data Request, Request for Documents (Nos. 1-12), specifically numbers 4, 9, 10, 11, and 12, be classified as confidential for the reasons set forth above.

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Respectfully submitted,

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Facsimile: (813) 229-4133

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 23<sup>rd</sup> day of June, 2014.

/s/ Blaise N. Gamba  
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**DUKE ENERGY FLORIDA**

**In re: Petition of Duke Energy Florida, Inc. for  
approval of Nuclear Decommissioning Cost Study**

**Docket No. 140057-EI**

**First Request for Confidential Classification**

**Exhibit B**

ENERGYSOLUTIONS, Inc.  
LIFE-OF-PLANT DISPOSAL AGREEMENT  
CONTRACT NO. 292213

THIS DOCUMENT IS REDACTED IN ITS ENTIRETY



THIS DOCUMENT IS REDACTED IN ITS ENTIRETY

TOWERS WATSON 

# **Towers Watson Neutral Model U.S. Capital Market Assumptions**

**As of April 1, 2014**

**Asset Simulation Unit  
Philadelphia, Pennsylvania**  
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14NDS-FPSCDR1POD-9-000001

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TOWERS WATSON 

# **Towers Watson Neutral Model U.S. Capital Market Assumptions**

**As of July 1, 2013**

**Asset Simulation Unit  
Philadelphia, Pennsylvania**  
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PROGRESS ENERGY FLORIDA  
2013 NUCLEAR DECOMMISSIONING COST STUDY  
ASSUMED FUND EARNINGS RATE

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