

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
conservation goals (Duke Energy Florida,
Inc.).

DOCKET NO. 130200-EI
ORDER NO. PSC-14-0358-CFO-EI
ISSUED: July 11, 2014

ORDER GRANTING DUKE ENERGY FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION FOR
DOCUMENT NO. 02125-14 (CROSS REF. DN. 01726-14)

On May 7, 2014, pursuant to Rule 25-22.006, Florida Administrative Code, Duke Energy Florida, Inc. (DEF) filed a request for confidential classification (Request) of "certain information contained in DEF's Response to Southern Alliance for Clean Energy's (SACE) First Request for Production of Documents." DEF asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. Pursuant to Section 366.093(4), Florida Statutes (F.S.), DEF asks that the Commission grant confidential classification for the documents for a period of at least 18 months from the date of the issuance of this Order.

Request for Confidential Classification

Section 366.093(1), F.S., provides that "any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1) [the Public Records Act]." Pursuant to Section 366.093(3), F.S., proprietary confidential business information includes information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Confidential business information includes, but is not limited to, the following:

- "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.
- "Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information", and
- "Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities." *Id* at (d)-(f).

DEF contends that the information, described with specific justification in Exhibit C of its Request, 1) is intended to be confidential, 2) is treated as confidential, and 3) has not been otherwise publicly disclosed. The information is generally described as Load Impact Analysis prepared for DEF by a third-party consultant and containing third-party proprietary and confidential information. DEF asserts that disclosure of the information would adversely affect

DEF's competitive business interests and harm DEF's customers by negatively impacting DEF's ability to contract with such consultants. Based on the foregoing, DEF asserts that the information is entitled to confidential classification pursuant to Section 366.093, F.S.

Ruling

Upon review, I find that the information identified in Document No. 02125-14 (cross ref. Document No. 01726-14), as more specifically described in Exhibit C of DEF's Request, 1) is treated by DEF as private, 2) has not otherwise been disclosed, and 3) is information relating to competitive interests, the disclosure of which would impair DEF's competitive business and harm DEF's ratepayers by diminishing DEF's ability to contract for services on favorable terms. Thus, the information shall be granted confidential classification pursuant to Section 366.093, F.S.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Duke Energy Florida, Inc.'s Request for Confidential Classification of Document No. 02125-14 (cross ref. Document No. 01726-14), as detailed in Exhibit C of DEF's Request, is granted. It is further

ORDERED that the information in Document No. 02125-14 (cross ref. Document No. 01726-14) for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Duke Energy Florida, Inc. or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 11th day of July, 2014.



RONALD A. BRISÉ

Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CWM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.