

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination )  
of Cost Effective Generation Alternative )  
to Meet Need Prior to 2018 for Duke )  
Energy Florida, Inc. )  
\_\_\_\_\_ )

DOCKET NO. 140111-EI  
Submitted for filing: September 3, 2014

**REDACTED**

**DUKE ENERGY FLORIDA, INC.'S NINETEENTH REQUEST FOR  
CONFIDENTIAL CLASSIFICATION REGARDING SECOND SUPPLEMENTAL  
RESPONSE TO NRG FOURTH REQUEST FOR PRODUCTION NO. 36**

Duke Energy Florida, Inc. ("DEF" or the "Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code ("F.A.C."), files this Request for Confidential Classification Regarding Portions of DEF's Second Supplemental Response to NRG Florida LP's Fourth Request for Production No. 36. An unredacted version of the documents discussed above is being filed under seal with the Commission as Appendix A on a confidential basis to keep the competitive business information in those documents confidential.

With respect to the confidential information contained in the second supplemental response to NRG Florida LP's discovery request, DEF filed its Notice of Intent to Request Confidential Classification on August 14, 2014 (Document No. 04425-14). Pursuant to Rule 25-22.006(3), Florida Administrative Code, this request is timely. DEF hereby submits the following in support of its confidentiality request.

**BASIS FOR CONFIDENTIAL CLASSIFICATION**

Section 366.093(1), Florida Statutes, 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 [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)

COM \_\_\_\_\_  
AFD 1  
APA \_\_\_\_\_  
ECO 2  
ENG 2 + Redacted  
GCL 1  
IDM 1  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

RECEIVED-PPSC  
SEP-3 AM 10:57  
COMMISSION  
CLERK

because disclosure of the information would cause harm, (iii) either to the Company's ratepayers 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, subsection 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.

DEF is requesting confidential classification of the second supplemental response to NRG's Fourth Request for Production of Documents No. 36, specifically as noted above and in the supporting Affidavit of Mark E. Landseidel ¶¶ 3-4, because the response contains proprietary and confidential competitive business information and contractual data and competitively sensitive commercial information, the disclosure of which would adversely impact DEF's competitive business interests. Affidavit of Landseidel, ¶ 5. The Company must be able to assure these vendors that sensitive business information will be kept confidential. Indeed, most of the contracts at issue contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. *Id.* If third parties were made aware of confidential contractual terms and conditions that the Company has with other parties, they may offer DEF less competitive contractual terms and conditions in any future contractual negotiations. Without DEF's measures to maintain the confidentiality of sensitive terms in these proposals and contracts between DEF and these vendors, the Company's efforts to obtain competitive contracts would be undermined. Affidavit of Landseidel, ¶ 6.

### Confidentiality Procedures

Strict procedures are established and followed 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. See Affidavit of Landseidel, ¶ 7.

At no time has the Company publicly disclosed the confidential information or documents at issue; DEF has treated and continues to treat the information and documents at issue as confidential. See Affidavit of Landseidel, ¶ 8. DEF requests this information be granted confidential treatment by the Commission.

### Conclusion

The competitive, confidential information 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 Nineteenth for Confidential Classification 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 DEF's second supplemental response to NRG Florida LP's Fourth Request for Production of Documents No. 36 be classified as confidential for the reasons set forth above.

Respectfully submitted this 3<sup>rd</sup> day of September, 2014.

John T. Burnett  
Deputy General Counsel  
Dianne M. Triplett  
Associate General Counsel  
DUKE ENERGY FLORIDA, INC.  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
Telephone: (727) 820-5587  
Facsimile: (727) 820-5519

/s/ Blaise N. Gamba  
James Michael Walls  
Florida Bar No. 0706242  
Blaise N. Gamba  
Florida Bar No. 0027942  
CARLTON FIELDS JORDEN BURT, P.A.  
Post Office Box 3239  
Tampa, FL 33601-3239  
Telephone: (813) 223-7000  
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 overnight mail this 3<sup>rd</sup> day of September, 2014.

/s/ Blaise N. Gamba

Attorney

Michael Lawson  
Florida Public Service Commission Staff  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Phone: (850) 413-6199  
Facsimile: (850) 413-6184  
Email: [mlawson@psc.state.fl.us](mailto:mlawson@psc.state.fl.us)

Charles Rehwinkel  
Deputy Public Counsel  
Erik Sayler  
Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
Phone: (850) 488-9330  
Email: [rehwinkel.charles@leg.state.fl.us](mailto:rehwinkel.charles@leg.state.fl.us)  
[Sayler.erik@leg.state.fl.us](mailto:Sayler.erik@leg.state.fl.us)

Jon C. Moyle, Jr.  
Karen A. Putnal  
Moyle Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301  
Phone: (850) 681-3828  
Fax: (850) 681-8788  
Email: [jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)

James W. Brew  
F. Alvin Taylor  
Brickfield Burchette Ritts & Stone, PC  
1025 Thomas Jefferson St NW  
8th FL West Tower  
Washington, DC 20007-5201  
Phone: (202) 342-0800  
Fax: (202) 342-0807  
Email: [jbrew@bbrslaw.com](mailto:jbrew@bbrslaw.com)  
[ataylor@bbrslaw.com](mailto:ataylor@bbrslaw.com)

Robert Scheffel Wright  
John T. LaVia, III  
Gardner Law Firm  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
Phone: (850) 385-0070  
Email: [Schef@gbwlegal.com](mailto:Schef@gbwlegal.com)  
[Jlavia@gbwlegal.com](mailto:Jlavia@gbwlegal.com)

Marsha E. Rule  
Rutledge Ecenia  
119 South Monroe Street, Ste. 202  
Tallahassee, FL 32301  
Phone: (850) 681-6788  
Fax: (850) 681-6515  
Email: [marsha@rutledge-ecenia.com](mailto:marsha@rutledge-ecenia.com)

Gordon D. Polozola  
NRG Energy, Inc.  
112 Telly Street  
New Roads, LA 70760  
Phone: (225) 618-4084  
Email: [Gordon.Polozola@nrgenergy.com](mailto:Gordon.Polozola@nrgenergy.com)

Richard A. Zambo  
Richard A. Zambo, P.A.  
2336 S.E. Ocean Boulevard, #309  
Stuart, FL 34966  
Phone: (772) 225-5400  
Email: [richzambo@aol.com](mailto:richzambo@aol.com)

DOCKET 140111-EI

In re: Petition for Determination of Cost Effective Generation  
Alternative to Meet Need Prior To 2018 For Duke Energy Florida, Inc.

Duke Energy Florida, Inc.'s  
Nineteenth  
Request for Confidential Classification

**EXHIBIT B**

DOCKET 140111-EI

In re: Petition for Determination of Cost Effective Generation  
Alternative to Meet Need Prior To 2018 For Duke Energy Florida, Inc.

Duke Energy Florida, Inc.'s  
Nineteenth  
Request for Confidential Classification

Document bearing Bates Numbers  
14LGBRA-NRGPOD4-36-000736  
in its entirety

**SECTION I - RFQ Bidder Instructions**

**1.1 Purpose of the RFQ**

Please provide Bidder's best price and current leadtime for furnishing Combustion Turbine Generators and associated equipment for the Florida Simple Cycle Facility in accordance with Specification # SSC00-SP-M-TG-01 dated 9/9/13 and all documents listed in Power Advocate Bid Event # 38002

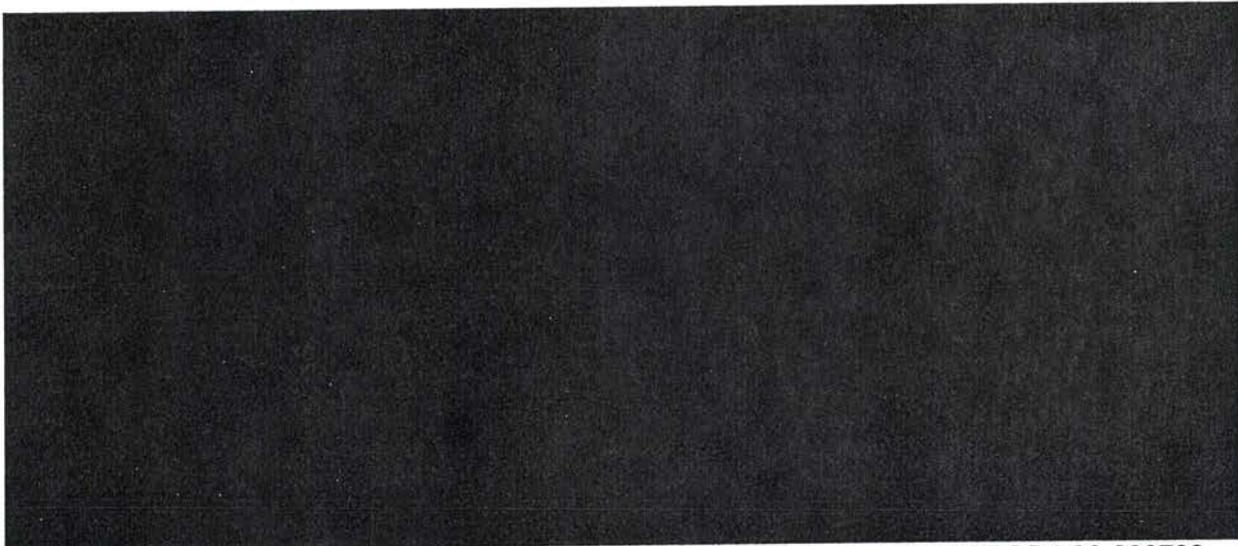
**1.2 Communications Regarding This RFQ**

All communications regarding this RFQ, including commercial & technical questions, are to be submitted through the Power Advocate message tool.

**1.3 Schedule and Evaluation Process**

Key activities and target completion dates are set forth below. Duke Energy may change these dates at its sole discretion, without liability.

RFQ Issue Date ..... September 9, 2013  
Intent to Bid Due Date ..... September 12, 2013  
Proposal Due Date..... October 15, 2013  
Projected Award Date ..... March 15, 2014



DOCKET 140111-EI

In re: Petition for Determination of Cost Effective Generation  
Alternative to Meet Need Prior To 2018 For Duke Energy Florida, Inc.

Duke Energy Florida, Inc.'s  
Nineteenth  
Request for Confidential Classification

Document bearing Bates Numbers  
14LGBRA-NRGPOD4-36-000740  
through  
14LGBRA-NRGPOD4-36-000746  
in its entirety

**DUKE ENERGY FLORIDA**  
**DOCKET NO. 140111-EI**  
**Nineteenth Request for Confidential Classification**  
**Confidentiality Justification Matrix**

| DOCUMENT   | PAGE/LINE/<br>COLUMN  | JUSTIFICATION   |
|--|---|---|
| <p>Duke Energy Florida, Inc.'s Second Supplemental Response to NRG Florida LP Fourth Request for Production of Documents No. 36, Bates No. 14LGBRA-NRGPOD4-36-000736</p> | <p>Entire Page</p>  | <p>366.093(3)(a), Fla. Stat.<br/> The document in question contains proprietary confidential information relating to trade secrets, the disclosure of which would impair DEF's business operations.</p> <p>§366.093(3)(d), Fla. Stat.<br/> The document portions in question contain confidential contractual 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), Fla. Stat.<br/> The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p> |
| <p>Duke Energy Florida, Inc.'s Second Supplemental Response to NRG Florida LP Fourth Request for Production of Documents No. 36</p>                                      | <p>Page bearing Bates No. 14LGBRA-NRGPOD4-36-000739, Section 1.4 in its entirety; Pages bearing Bates No. 14LGBRA-NRGPOD4-36-000740 through 14LGBRA-NRGPOD4-36-000746 in their entirety</p> | <p>366.093(3)(a), Fla. Stat.<br/> The document in question contains proprietary confidential information relating to trade secrets, the disclosure of which would impair DEF's business operations.</p> <p>§366.093(3)(d), Fla. Stat.<br/> The document portions in question contain confidential contractual 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), Fla. Stat.<br/> The document portions in question</p>  |

**DUKE ENERGY FLORIDA**  
**DOCKET NO. 140111-EI**  
**Nineteenth Request for Confidential Classification**  
**Confidentiality Justification Matrix**

| DOCUMENT   | PAGE/LINE/<br>COLUMN | JUSTIFICATION   |
|--|----------------------|---|
|  |                      | contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.  |
| <p>Duke Energy Florida, Inc.'s Second Supplemental Response to NRG Florida LP Fourth Request for Production of Documents No. 36, Bates No. 14LGBRA-NRGPOD4-36-000747 through 14LGBRA-NRGPOD4-36-000762</p> | Entire Document      | <p>366.093(3)(a), Fla. Stat.<br/> The document in question contains proprietary confidential information relating to trade secrets, the disclosure of which would impair DEF's business operations.</p> <p>§366.093(3)(d), Fla. Stat.<br/> The document portions in question contain confidential contractual 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), Fla. Stat.<br/> The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p> |