FILED SEP 03, 2014 DOCUMENT NO. 04910-14 FPSC - COMMISSION CLERK

AM 10:

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: September

REDACTEPUKE ENERGY FLORIDA, INC.'S SECOND REQUEST FOR <u>CONFIDENTIAL CLASSIFICATION</u>

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 Third Data Request (Nos. 1.a through 1.e). Specifically, the documents responsive to Third Data Request No. 1.b contains 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.

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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) 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 document should be afforded confidential classification for the reasons set forth in the Affidavit of Ivan L. Wilson filed in support of DEF's Second Request for Confidential Classification, and for the following reasons.

DEF's Response to Staff's Third Data Request (Nos. 1.a-1.e), specifically the document produced in response to No. 1.b, contains confidential budget allocations based on a detailed analysis of proposed vendor costs. See Affidavit of Wilson, ¶ 3. DEF and its vendor consider this information to be confidential and proprietary in nature, and continue 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 proposals and contracts and their confidential work product will be kept confidential. Indeed, if third parties were made aware of confidential cost estimates that the Company has with and from other parties, third parties may use this information to DEF's detriment and may offer DEF less competitive contractual terms in future contractual negotiations regarding this project and other projects. Id. at ¶¶ 4-5. Without DEF's measures to maintain the confidentiality of cost information and estimates between DEF and its 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 \P 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 \P 6.

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 Third Data Request (Nos. 1.a-1.e), specifically numbers 1.b, be classified as confidential for the reasons set forth above.

Respectfully submitted,

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 U.S. Mail this 3rd day of September, 2014.

<u>/s/ Blaise N. Gamba</u> Attorney

Keino Young Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 Phone: (850) 413-6199 Facsimile: (850) 413-6184 Email: kyoung@psc.state.fl.us Paul Lewis, Jr. Duke Energy Florida, Inc. 106 East College Avenue, Ste. 800 Tallahassee, FL 32301-7740 Phone: (850) 222-8738 Facsimile: (850) 222-9768 Email: paul.lewisjr@duke-energy.com

Devlin Higgins Public Utility Analyst Division of Economics Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 Phone: (850) 413-6433 Facsimile: (850) 413-6434 Email: <u>dhiggins@psc.state.fl.us</u>

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

DUKE ENERGY FLORIDA, INC.'S SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION

EXHIBIT B

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Average Cost Per Person Per Year (applied against the utility staff)

DUKE ENERGY FLORIDA DOCKET 140057-EI Second Request for Confidential Classification Confidentiality Justification Matrix ATTACHMENT C

DOCUMENT PAGE/LINE/ COLUMN		JUSTIFICATION		
14NDS-FPSCDR3-1b- 000006	Lines 7 through 39, all information in columns C, D, and E titled 2014, 2015 and 2016; Line 11 include note in column F; Lines 48 through 197, all information in columns C, D, and E titles 2014, 2015 and 2016; Charts shown under caption CR3 Severance Calculation, Chart 1 Summary of Individuals Impacted and Disposition, all information shown under headings Non-Union, Union and Total, Chart 2 Accural Computation Summary, all information under 3 rd through 8 th columns (excel numbered lines 205 through 230), Chart 3 all information exclusive of column headings, Worksheet 2014 O&M Budget – Draft, all information in columns headed Labor, Benefits, Contracts, Materials, Other and Totals	§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms. §366.093(3)(e), Fla. Stat. 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.		
14NDS-FPSCDR3-1b- 000007	All information in columns 3 through 14	 §366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms. §366.093(3)(e), Fla. Stat. The document portions in question 		

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DUKE ENERGY FLORIDA DOCKET 140057-EI Second Request for Confidential Classification Confidentiality Justification Matrix ATTACHMENT C

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
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