



Matthew R. Bernier
Senior Counsel
Duke Energy Florida, Inc.

October 6, 2014

VIA OVERNIGHT MAIL

Ms. Carlotta Stauffer, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
14 OCT - 6 AM 10: 01
COMMISSION
CLERK

Re: *Petition of Duke Energy Florida, Inc. for Approval to Construct an Independent Spent Fuel Storage Installation and an Accounting Order to Defer Amortization Pending Recovery from the Department of Energy; Docket No. 140113-E1*

Dear Ms. Stauffer:

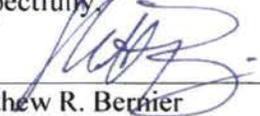
Please find enclosed for filing on behalf of Duke Energy Florida, Inc. ("DEF"), an original and (7) copies of DEF's Request for Confidential Classification filed in connection DEF's Response to Staff's Second Data Request, specifically question #6. The filing includes:

- DEF's Request for Confidential Classification
- Slipsheet for confidential Exhibit A
- Slipsheet for redacted Exhibit B
- Exhibit C (justification matrix), and
- Exhibit D (affidavit)

At your direction, Exhibits A and B are submitted under separate cover.

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,


Matthew R. Bernier

Senior Counsel
Matthew.Bernier@duke-energy.com

MRB/mw
Enclosures

cc: Keino Young & J.R. Kelly/Charles J. Rehwinkel

COM	_____
AFD	<u>2</u>
APA	_____
ECO	<u>1</u>
ENG	<u>3</u>
GCL	<u>1</u>
IDM	_____
TEL	_____
CLK	_____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval to construct an independent spent fuel storage installation and an accounting order to defer amortization pending recovery from the Department of Energy, by Duke Energy Florida, Inc.

Docket No. 140113-EI

Dated: October 6, 2014

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

Duke Energy Florida, Inc., (“DEF” or “Company”), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification for certain information contained in DEF’s Response to Staff’s Second Data Request (Nos. 1-7), specifically documents responsive to number 6 include confidential and proprietary documents. In support of this Request, DEF states:

1. The documents responsive to Staff’s Second Data Request No. 6 contain “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing an unredacted copy of the documents responsive to Staff’s Second Data Request (Nos. 1-7), specifically question 6, for which DEF seeks confidential treatment. Composite Exhibit A is being submitted separately in a sealed envelope labeled “CONFIDENTIAL.” In the unredacted version, the information asserted to be confidential is highlighted in yellow.

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The

specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Exhibit C is a table which identifies by page and line the information for which DEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

(d) Exhibit D is an affidavit attesting to the confidential nature of information identified in this request.

3. As indicated in Exhibit C, the information for which DEF requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, the documents contain proprietary and confidential third party information provided to DEF and sensitive business information, such as contracts, bids, pricing information, and internal policies and procedures. Disclosure of this information would adversely impact DEF’s competitive business interests by negatively impacting DEF’s ability to contract with third-party consultants. *See* § 366.093(3)(d), F.S.; Affidavit of Michael Delowery at ¶ 5. If DEF cannot guarantee third-party consultants that its proprietary and confidential information will not be made subject to public disclosure, DEF will not be able to contract with, and utilize the expertise of, such third-party consultants to the detriment of DEF and its customers. § 366.093(3)(e); Affidavit of Michael Delowery at ¶ 6. Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Michael Delowery at ¶ 7. This information has not been publicly shared since being received, and DEF follows strict procedures to ensure that

access to the information is restricted to those employees who need the information to assist the Company. *See* Affidavit of Michael Delowery at ¶ 7.

5. DEF requests that the information identified in Exhibit A be classified as “proprietary confidential business information” within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4) F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 6th day of October, 2014.



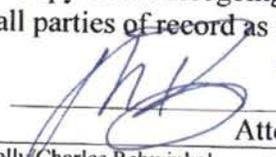
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Attorneys for
DUKE ENERGY FLORIDA, INC.

Duke Energy Florida, Inc.

Docket No.: 140113

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 6th day of October, 2014 to all parties of record as indicated below.



Attorney

<p>Keino Young, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 kyoung@psc.state.fl.us</p>	<p>J.R.Kelly/Charles Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, #812 Tallahassee, FL 32399 Kelly.jr@leg.state.fl.us Rehwinkel.charles@leg.state.fl.us</p>
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Exhibit A

“CONFIDENTIAL”

Exhibit B

REDACTED

**DUKE ENERGY FLORIDA
Confidentiality Justification Matrix**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF's Response to Staff's Second Data Request, question 6.</p>	<p>Crystal River Install presentation contains confidential and proprietary information: procedures, descriptions and illustrations prepared for DEF by a third -party consultant. (entire document).</p> <p>Morris Material Handling Proposal contains confidential and proprietary information: contract terms, requirements, operation characteristics, bid documents, and specifications prepared for DEF by a third-party consultant (entire document)</p> <p>Pricing summary: vendors and bid amounts (entire document).</p> <p>Scope document for Crystal River Nuclear Plant contains confidential and proprietary information: evaluations, specifications, and procedures prepared for DEF by a third party consultant (entire document).</p> <p>ACECO Proposal contains confidential and proprietary information: contract terms, requirements, operation characteristics, bid documents, and specifications (entire document)</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential 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), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

Exhibit D

**AFFIDAVIT OF
MICHAEL DELOWERY**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Duke Energy Florida, Inc.
For Approval to Construct an Independent Spent
Fuel Storage Installation and an Accounting Order
to Defer Amortization Pending Recovery from the
Department of Energy

Docket No. 140113-EI

Dated: October 6, 2014

**AFFIDAVIT OF MICHAEL DELOWERY IN SUPPORT OF
DUKE ENERGY FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Michael Delowery. 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 facts attested to in my affidavit are
based upon my personal knowledge.

2. I am the Vice President of Project Management and Construction in the
Regulated Generation Department. This section is responsible for the oversight Crystal
River Unit 3 (CR3) Independent Spent Fuel Storage Installation ("ISFSI") project.

4. DEF is seeking confidential classification for certain information contained in
Response to Staff's Second Data Request, number 6 because it contains proprietary and

confidential information. A detailed description of the confidential information at issue is contained in confidential Exhibit A to DEF's Request for Confidential Classification and is outlined in DEF's Justification Matrix that is attached to DEF's Request for Confidential Classification as Exhibit C. DEF is requesting confidential classification of this information because it contains proprietary and confidential information and the disclosure of which would impair the Company's efforts to negotiate contracts on favorable terms and adversely impact DEF's competitive business interests.

5. DEF receives proposals and negotiates with potential suppliers and providers to obtain competitive contracts that provide economic value to DEF and its ratepayers. The disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms and the disclosure would adversely impact DEF's competitive business interests. For example, if third-parties and DEF's suppliers or providers were not comfortable that their proprietary and confidential information would not become part of the public domain, those third-parties would not contract with DEF and DEF would lose its ability to utilize their expertise. Such a scenario would harm the Company's competitive interests as well as DEF's customers' interests

6. Strict procedures are established and followed to maintain the confidentiality of the terms of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. Without DEF's measures to maintain the confidentiality of sensitive business terms, the Company's efforts to obtain competitive contracts could be undermined. At no time has the Company publicly disclosed the confidential information

or documents at issue. The Company has treated and continues to treat the information and documents at issue as confidential. .

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the 2nd day of October, 2014.

MR Delowery

(Signature)

Michael R. Delowery
VP – Project Management and Construction
Regulated Generation Department
Duke Energy
400 South Church
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 2nd day of October, 2014 by Michael Delowery. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

Muriel R. Spear

(Signature)

Muriel R. Spear

(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF North Carolina
October 20, 2018

(Commission Expiration Date)

MURIEL R. SPEAR
NOTARY PUBLIC
Mecklenburg County
North Carolina
My Commission Expires Oct. 20, 2018

(Serial Number, If Any)