



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

April 1, 2015

**VIA HAND DELIVERY**

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

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COMMISSION  
CLERK

Re: *Environmental Cost Recovery Clause; Docket No. 150007-EI*

Dear Ms. Stauffer:

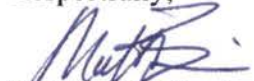
Please find enclosed for filing on behalf of Duke Energy Florida, Inc. ("DEF"), an original and seven (7) copies of DEF's Request for Confidential Classification filed in connection with the direct testimony of Thomas G. Foster for the Environmental Cost Recovery 2014 Final True-Up Testimony and Schedules. The filing includes the filing:

- DEF's Request for Confidential Classification;
- Slipsheet for confidential Exhibit A;
- Slipsheet for confidential 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

MRB/mw  
Enclosures  
cc: Certificate of Service

COM	_____
AFD	_____
APA	_____
ECO	_____
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GCL	3
IDM	_____
TEL	_____
CLK	_____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Environmental cost recovery clause.

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Docket No. 150007-EI

Dated: April 1, 2015

**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 provided in Exhibit No. \_\_ (TGF-1), Form 42 8A specifically, page 13 of 18 and Exhibit No. \_\_ (TGF-2), CR Thermal Discharge-2012, specifically page 16 of 17 to the direct testimony of Thomas G. Foster filed April 1, 2015. In support of this Request, DEF states:

1. Exhibit No. \_\_ (TGF-1), Form 42 8A, specifically, page 13 of 18 and Exhibit No. \_\_ (TGF-2), CR Thermal Discharge-2012, page 16 of 17, contain information that is "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 unredacted copies of all the documents for which DEF seeks confidential treatment. Composite Exhibit A is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, 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 information at issue relates to contractual pricing information, the disclosure of which would impair the efforts of the Company to negotiate contracts on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Thomas G. Foster at ¶ 5. Furthermore, the information at issue relates to the competitive interests of DEF and its contract partners, the disclosure of which would impair their competitive businesses. *See* § 366.093(3)(e), F.S.; Affidavit of Thomas G. Foster 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.

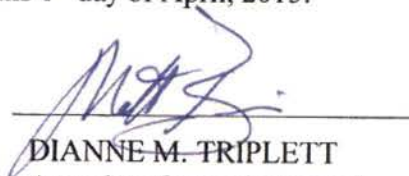
4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Thomas G. Foster at ¶ 6. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. *See* Affidavit of Thomas G. Foster at ¶ 6.

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 1<sup>st</sup> day of April, 2015.



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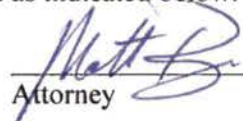
Attorneys for  
Duke Energy Florida, Inc.

**Duke Energy Florida, Inc.**

Docket No.: 150007

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via email this 1<sup>st</sup> day of April, 2015 to all parties of record as indicated below.

  
Attorney

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# **Exhibit A**

**“CONFIDENTIAL”**

# **Exhibit B**

**REDACTED**

## Exhibit C

### DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
Exhibit No. __ (TGF-1), Form 42 8A, page 13 of 18	Form 42 8A, page 13 of 18, Footer A: contains information that if publicly disclosed would allow the public to calculate confidential contractual information.	<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 No. __ (TGF-2), CR Thermal Discharge-2012, page 16 of 17	CR Thermal Discharge- 2012, page 16 of 17, Footer A: contains information that if publicly disclosed would allow the public to calculate confidential contractual information.	<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**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Environmental cost recovery clause.

Docket No. 150007-EI

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Dated: April 1, 2015

**AFFIDAVIT OF THOMAS G. FOSTER IN SUPPORT OF  
DUKE ENERGY FLORIDA'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Thomas G. Foster. 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 "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Director of Rates and Regulatory Planning within the Rates and Regulatory Strategy Department of Florida. This department is responsible for regulatory planning and cost recovery for DEF.

3. As the Director of Rates and Regulatory Planning, I am responsible along with the other members of the section, for the production and review of the regulatory

financial reports of DEF and analysis of state, federal and local regulations and their impact on DEF.

4. DEF is seeking confidential classification for a portion of Exhibit No. \_\_\_ (TGF-1), Form 42 8A, specifically page 13 of 18 and Exhibit No. \_\_\_ (TGF-2), CR Thermal Discharge-2012, specifically Page 16 of 17, to my direct testimony filed on April 1, 2015 in this docket. The confidential information at issue is contained in confidential Exhibit A to DEF's Request is outlined in DEF's Justification Matrix that is attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains competitive confidential business information of a third party vendor DEF contracts with.

5. DEF negotiates with potential purchasers to obtain competitive contracts when DEF has that opportunity to sell assets that the Company no longer requires in order to provide safe and reliable electric service to its customers. In order to obtain such contracts, however, DEF must be able to assure potential and actual purchasers that sensitive business information, such as purchase price, will be kept confidential. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed the confidential information at issue. Absent such measures, purchasers would run the risk that sensitive business information that they provided in their contracts with DEF would be made available to the public and, as a result, end up in possession of potential competitors and other parties with whom those purchasers may seek to contract with. Faced with that risk, persons or companies who otherwise would contract with DEF might decide not to do so if DEF could not keep such information confidential. Without DEF's measures to maintain the confidentiality of sensitive terms

financial reports of DEF and analysis of state, federal and local regulations and their impact on DEF.

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5. DEF negotiates with potential purchasers to obtain competitive contracts when DEF has that opportunity to sell assets that the Company no longer requires in order to provide safe and reliable electric service to its customers. In order to obtain such contracts, however, DEF must be able to assure potential and actual purchasers that sensitive business information, such as purchase price, will be kept confidential. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed the confidential information at issue. Absent such measures, purchasers would run the risk that sensitive business information that they provided in their contracts with DEF would be made available to the public and, as a result, end up in possession of potential competitors and other parties with whom those purchasers may seek to contract with. Faced with that risk, persons or companies who otherwise would contract with DEF might decide not to do so if DEF could not keep such information confidential. Without DEF's measures to maintain the confidentiality of sensitive terms

in contracts between DEF and third parties, the Company's efforts to obtain competitive contracts could be undermined.

6. Upon receipt of confidential information from a third party vendor, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including restricting access to those persons who need the information to assist the Company, and restricting the number of, and access to the information and contracts. At no time since receiving the contracts and information in question has the Company publicly disclosed that information or contracts. The Company has treated and continues to treat the information and contracts at issue as confidential.

7. This concludes my affidavit.

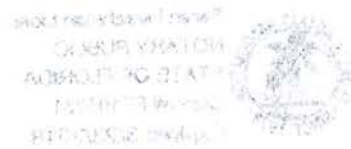
Further affiant sayeth not.

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7. This concludes my affidavit.

Further affiant sayeth not.



Dated the 31 day of March, 2015.

*Thomas G. Foster*

(Signature)  
Thomas G. Foster  
Director – Retail Rates & Regulatory Planning  
Rates and Regulatory Strategy-Florida  
Duke Energy Florida  
Post Office Box 14042  
St. Petersburg, FL 33733

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 31 day of March, 2015, by Thomas G. Foster. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

*Sarah Hirschman Libes*

(Signature)  
Sarah Hirschman Libes  
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF FLORIDA

3/23/2018

(Commission Expiration Date)

FF105231

(Serial Number, If Any)



Sarah Hirschman Libes  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF105231  
Expires 3/23/2018