

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination that)	DOCKET NO. 150043-EI
the Osprey Plant Acquisition and,)	
alternatively, the Suwannee Simple)	Submitted for filing: April 2, 2015
Cycle Project is the most Cost Effective)	
Generation Alternative to meet the)	
Remaining Need Prior to 2018 for)	
Duke Energy Florida, Inc.)	
_____)	

**DUKE ENERGY FLORIDA, INC.'S NOTICE OF FILING
AFFIDAVIT IN SUPPORT OF SECOND REQUEST
FOR CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, Inc. ("DEF") hereby gives notice of filing the affidavit of Matthew E. Palasek in support of DEF's Second Request for Confidential Classification.

Respectfully submitted this 2nd day of April, 2015.

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

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

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

RECEIVED FPSC
15 APR - 2 PM 2:01
COMMISSION
CLERK

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 mail this 2nd day of April, 2015.

/s/ Blaise N. Gamba

Attorney

Charles Murphy
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
cmurphy@psc.state.fl.us

Charles Rehwinkel
Deputy Public Counsel
Erik Saylor
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
Saylor.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
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
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
Jlavia@gbwlegal.com

Shonnie L. Daniel
Vice President and Deputy General
Counsel
Calpine Construction
717 Texas Avenue
Suite 1000
Houston, TX 77002
Shonnie.daniels@calpine.com

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination that)	DOCKET NO. 150043-EI
the Osprey Plant Acquisition and,)	
alternatively, the Suwannee Simple)	Submitted for filing: April <u> </u> , 2015
Cycle Project is the most Cost Effective)	
Generation Alternative to meet the)	
Remaining Need Prior to 2018 for)	
Duke Energy Florida, Inc.)	
_____)	

**AFFIDAVIT OF MATTHEW E. PALASEK IN SUPPORT OF DUKE ENERGY
FLORIDA, INC.'S SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION
REGARDING AMENDMENTS TO EXHIBIT MEP-2**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Matthew E. Palasek. I am over the age of 18 years old and I have been authorized by Duke Energy Florida, Inc. (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 a Director in Corporate Development with Duke Energy Corporation ("Duke Energy"). In this position I am responsible for supporting Duke Energy and its subsidiaries in a variety of transaction activity: acquisitions, divestitures, joint ventures, and corporate-level combinations. I was involved in discussions with Calpine Construction Finance Company, L.P. ("Calpine") regarding the potential acquisition of the Osprey Energy Facility Combined Cycle Plant ("Osprey Plant") by Duke Energy Florida, Inc. ("DEF") up to the agreement to terms between DEF and Calpine for the Osprey Plant acquisition, i.e., the Asset Purchase and Sale

Agreement ("APA").¹

3. DEF is seeking confidential classification for portions of the Amendments to the APA Agreement, Exhibit MEP-2 to my Direct Testimony filed January 30, 2015. 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 these documents, more specifically Amendment 4 to the APA, because they contain or describe the confidential terms of the APA between DEF and Calpine.

4. Public disclosure of the terms of the APA Amendment 4 would impair DEF and Calpine's competitive business interests by letting third parties know the confidential, negotiated deal between DEF and Calpine and would thus impair future deals by DEF and Calpine. In addition, if third parties were made aware of confidential contractual terms and conditions that DEF has with other parties, they may offer DEF less competitive contractual terms and conditions in any future contractual negotiations. Disclosure of the confidential terms and conditions of the APA Amendment 4 would also violate confidentiality agreements between DEF and Calpine. DEF and Calpine have contractual obligations to protect and preserve the confidential and competitively sensitive business information of the other party as well as the party's own confidential business information.

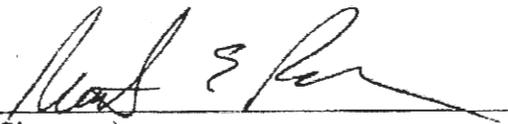
5. APA Amendment 4 contains contractual data and trade secret information. Upon receipt of this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the documents and information provided, including restricting access to those persons who need the information to

¹ DEF executed the Asset Purchase and Sale Agreement with Osprey Energy Center, LLC as the assignee of Calpine Construction Finance Company, L.P. for the Osprey Plant.

assist the Company, and restricting the number of persons with access to the information. At no time since receiving the information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information at issue as confidential.

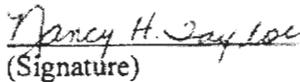
6. This concludes my affidavit.

Dated this 1 day of April, 2015.



(Signature)
Matthew E. Palasek
Duke Energy Corporation
550 South Tryon Street, DEC-39B
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 1st day of April, 2015 by Matthew E. Palasek. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.



(Signature)

Nancy H. Taylor

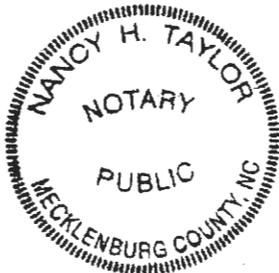
(Printed Name)

NOTARY PUBLIC, STATE OF North Carolina

January 26, 2017

(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



(Serial Number, If Any)