

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

Docket No. 150009-EI
Submitted for Filing: July 24, 2015

**DUKE ENERGY FLORIDA'S REQUEST FOR EXTENSION OF
CONFIDENTIAL CLASSIFICATION REGARDING THE INFORMATION
COVERED BY ITS FIRST REQUEST FOR CONFIDENTIAL
CLASSIFICATION IN DOCKET NO. 130009-EI**

Duke Energy Florida, Inc. ("DEF" or the "Company"), pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006(9)(c), Florida Administrative Code, requests an extension of the confidential classification of portions of certain Testimonies and Exhibits filed in Docket No. 130009-EI (Document No. 01092-13). The Commission granted DEF's First Request for Confidential Classification regarding these documents in Order No. PSC-14-0064-CFO-EI, dated January 29, 2014, therefore, this request is timely. Portions of the Testimonies and Exhibits of Thomas G. Foster and Testimony of Christopher M. Fallon were granted confidential classification because they contain proprietary and confidential business and financial information which the Company does not disclose to the public, including contractual terms and costs, the disclosure of which would harm the Company's competitive business interests and in many cases would violate contractual confidentiality clauses. The Company continues to treat the information contained in these documents as confidential and does not disclose it to the public. Pursuant to section 366.093(3), Florida Statutes, this information continues to be proprietary confidential business information.

In support of this Request, DEF states as follows:

1. Portions of the testimony and exhibits of Mr. Foster as well as portions of the testimony of Mr. Fallon contain confidential, proprietary business information regarding the

contract for the equipment, materials, and services for the Levy Nuclear Project (“LNP”) and the Crystal River Unit 3 (“CR3”) Power Uprate Project (“CR3 Uprate” and collectively with LNP the “Nuclear Projects”).

2. More specifically, portions of the testimony of Mr. Foster and attached Exhibit No. ____ (TGF-1) and Exhibit No. ____ (TGF-2) (collectively the “NFRs”) and Testimony of Christopher M. Fallon contain confidential and sensitive contractual information and costs regarding the Nuclear Projects, the disclosure of which would impair DEF’s competitive business interests and ability to negotiate favorable contracts in the future, as well as violate contractual nondisclosure provisions of these contracts. See Affidavit of Fallon, ¶ 3; Affidavit of Teague, ¶ 4.

3. The Company continues to treat the information contained in the Testimonies and Exhibits as confidential and does not disclose it to the public, its competitors, or those employees within the Company who do not need the information to perform their duties for the Company. See Affidavits of Fallon ¶ 3-4; Affidavit of Teague, ¶ 4-5. Public disclosure of this confidential information would harm the Company’s competitive interests and in many cases would violate contractual confidentiality clauses. Specifically, these documents include information regarding the contractual agreements for the Nuclear Projects, the release of which would in many cases violate contractual confidentiality provisions. See Affidavit of Fallon, ¶ 3; Affidavit of Teague, ¶ 4. The release of this information would adversely impact DEF’s competitive business interests if disclosed to the public. See Affidavit of Fallon, ¶ 4; Affidavit of Teague, ¶ 5.

4. In Order No. PSC-14-00640-CFO-EI the Commission found the portions of the Testimonies and Exhibits contain proprietary confidential business information exempt from discovery under the public records law pursuant to Section 366.093(1) and (3), Florida Statutes.

This information continues to be proprietary confidential business information and should continue to be protected from disclosure as such.

5. DEF has kept confidential and has not publicly disclosed the confidential information at issue here. See Affidavit of Fallon, ¶ 3; Affidavit of Teague, ¶ 4. Absent such measures, DEF would run the risk that sensitive business information regarding what it is willing to pay for certain goods and services, as well as what the Company is willing to accept as payment for certain goods and/or services, would be made available to the public and, as a result, other potential suppliers, vendors, and/or purchasers of such services could change their position in future negotiations with DEF. See id. Without DEF's measures to maintain the confidentiality of this sensitive information, the Company's efforts to obtain competitive contracts and to obtain competitively priced goods and services could be undermined. See Affidavit of Fallon, ¶ 3; Affidavit of Teague, ¶ 4.

6. Upon receipt of this confidential information, strict procedures are established and followed to maintain the confidentiality of the information provided, including restricting access to those persons who need the information to assist the Company. See Affidavit of Fallon, at ¶ 3-4; Affidavit of Teague, ¶ 4-5. 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. See Affidavit of Fallon at ¶ 4; Affidavit of Teague at ¶ 5. Nothing has changed since Order No. PSC-14-0064-CFO-EI to render this information stale or public, such that continued confidential treatment would no longer be appropriate. See id.

CONCLUSION

The competitive, confidential information at issue in this request for extension has and continues to fit the statutory definition of proprietary confidential business information under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, as the Commission found in Order No. PSC-14-0064-CFO-EI. As discussed herein, the Company continues to treat this information as confidential and has taken all necessary steps to protect it from public disclosure. Therefore, the Commission should extend the confidential treatment of this information.

WHEREFORE, DEF respectfully requests that the portions of the Testimonies and Exhibits filed as part of the Company's March 1, 2013 True-Up Filing, Document No. 01092-13 determined by the Commission to be confidential and exempt from public discovery in Order No. PSC-14-0064-CFO-EI, continue to be classified as confidential and exempt from public disclosure for the reasons set forth above.

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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 24th day of July, 2015.

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