



Matthew R. Bernier
SENIOR COUNSEL
Duke Energy Florida, LLC

September 17, 2015

VIA ELECTRONIC DELIVERY

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

Re: Docket 150171-EI
Duke Energy Florida, LLC's Eighth Request for Confidential Classification

Dear Ms. Stauffer:

Attached is Duke Energy Florida, LLC's ("DEF") Eighth Request for Confidential Classification of certain information provided in DEF's Responses to Staff's Second Set of Interrogatories (Nos. 8-39) in the above-referenced matter. This filing includes:

- Exhibit A (confidential slipsheet only)
- Exhibit B (2 sets of redacted information)
- Exhibit C (justification matrix)
- Exhibit D (Affidavit of Bryan Buckler)

DEF's confidential Exhibit A that accompany the above-referenced filing, has been submitted under separate cover.

Thank you for your assistance in this matter. If you have any questions, please feel free to contact me at (850) 521-1428.

Sincerely,

/s/ Matthew R. Bernier

Matthew R. Bernier

MRB:at
Attachments

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval to include in base rates the revenue requirement for the CR3 regulatory asset, by Duke Energy Florida, Inc.

DOCKET NO. 150148-EI

In re: Petition for issuance of nuclear asset-recovery financing order, by Duke Energy Florida, Inc. d/b/a Duke Energy.

DOCKET NO. 150171-EI

DATED: September 17, 2015

**DUKE ENERGY FLORIDA, LLC'S EIGHTH REQUEST
FOR CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, LLC (“DEF” or the “Company”), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Eighth Request for Confidential Classification concerning portions of DEF’s Response to Staff’s Second Set of Interrogatories filed in this docket on August 31, 2015 concurrently with DEF’s Notice of Intent to request confidential classification. This request is timely. *See* Rule 25-22.006(3)(a)1., F.A.C. In support of this request, DEF states:

1. As further explained below, attachments provided in DEF’s Answers to Staff’s Second Set of Interrogatories question Nos. 8 and 34, contain “proprietary confidential business information” under section 366.093(3), F.S.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing an unredacted copy 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 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 information at issue relates to DEF’s engagement with Morgan Stanley & Co. LLC (“Morgan Stanley”) for financial advisory services, along with proposal information provided by Goldman Sachs and Morgan Stanley for underwriting, advisory and structuring services, the disclosure of which would adversely impact DEF’s competitive business interests. *See* § 366.093(3)(d), F.S.; Affidavit of Bryan Buckler at ¶ 4.

4. Furthermore, the information at issue relates to the competitive business interests of the parties negotiating financial agreements with DEF, the disclosure of which would impair their competitive businesses, and which DEF has contractually agreed to treat as confidential. §§ 366.093(3)(d) & (e), F.S.; Affidavit of Bryan Buckler at ¶ 5. 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.

5. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Bryan Buckler at ¶ 6. The information has not been disclosed to the public, and the Company has treated and continues to treat the documents at issue as confidential. *See* Affidavit of Bryan Buckler at ¶ 6.

6. 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 Eighth Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 17th day of September, 2015.

/s/ Matthew R. Bernier

MATTHEW R. BERNIER
Senior Counsel
Duke Energy Florida, LLC
106 East College Avenue
Suite 800
Tallahassee, FL 32301
Telephone: (850) 521-1428

DIANNE M. TRIPLETT
Associate General Counsel
Duke Energy Florida, LLC
299 First Avenue North
St. Petersburg, FL 33701
Telephone: (727) 820-4692

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to the following this 17th day of September, 2015.

/s/ Matthew R. Bernier

Attorney

<p>Rosanne Gervasi Keino Young Kelley Corbari Leslie Ames Theresa Tan Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 kyoung@psc.state.fl.us kcorbari@psc.state.fl.us lames@psc.state.fl.us ltan@psc.state.fl.us rgervasi@psc.state.fl.us</p>	<p>Charles Rehwinkel J. R. Kelly Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399-1400 kelly.jr@leg.state.fl.us rehwinkel.charles@leg.state.fl.us woods.monica@leg.state.fl.us</p>
<p>Florida Industrial Power Users Group c/o Moyle Law Firm, P.A. Jon C. Moyle, Jr. Karen A. Putnal 118 North Gadsden Street Tallahassee, Florida 32301 jmoyle@moylelaw.com kputnal@moylelaw.com</p>	<p>PSC Phosphate – White Springs c/o James W. Brew Owen J. Kopon Stone Mattheis Xenopoulos & Brew, PC 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007-5201 jbrew@smxblaw.com ojk@smxblaw.com</p>
<p>Joseph Fichera Saber Partners, LLC 44 Wall Street New York, NY 10005 jfichera@saberpartners.com</p>	<p>Dean E. Criddle Orrick, Herrington & Sutcliffe 405 Howard Street, #11 San Francisco, CA 94105 dcriddle@orrick.com</p>
<p>Robert Scheffel Wright John T. LaVia, III Gardner, Bist, Bush, Dee, LaVia & Wright, P.A. 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p>	

Exhibit A

CONFIDENTIAL
FILED UNDER SEPARATE COVER

Exhibit B

REDACTED

[REDACTED]

[REDACTED]

Financial/structuring advisory fees

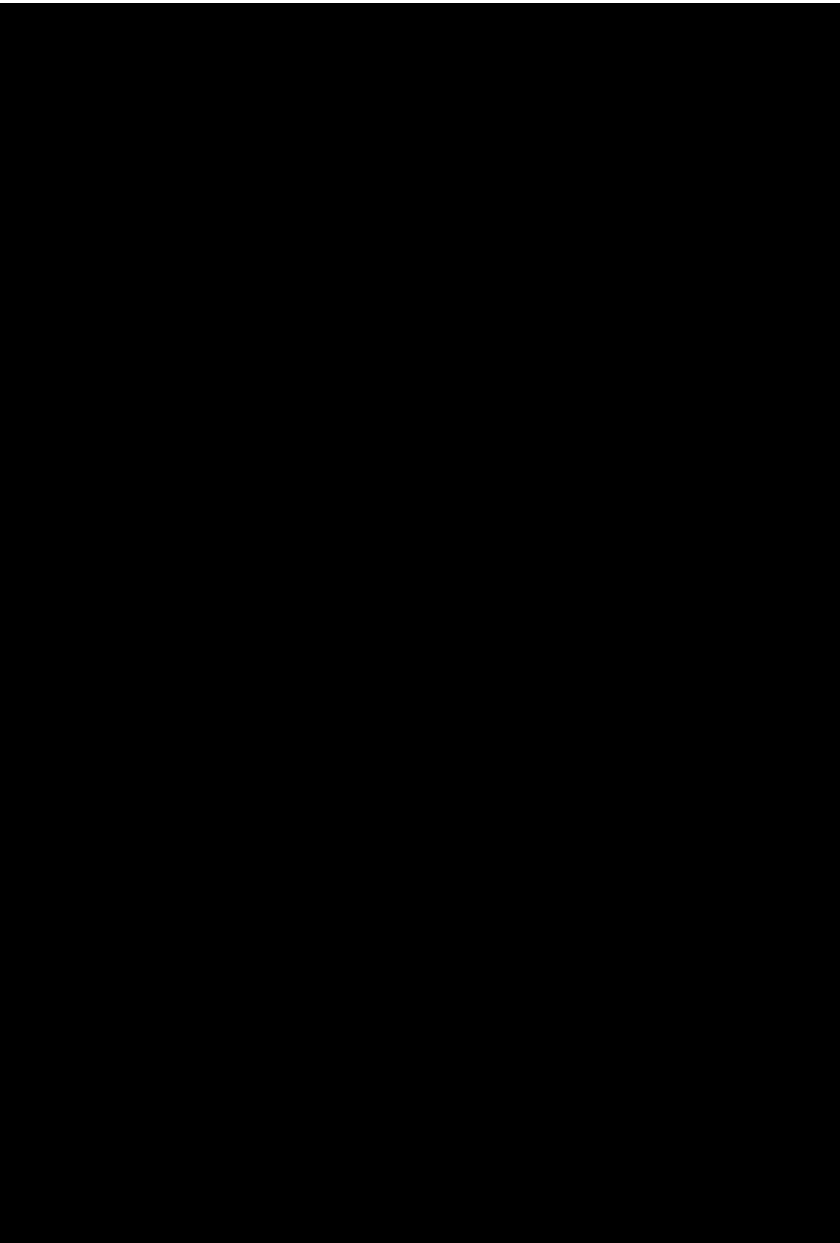
[REDACTED]

Underwriting fees:

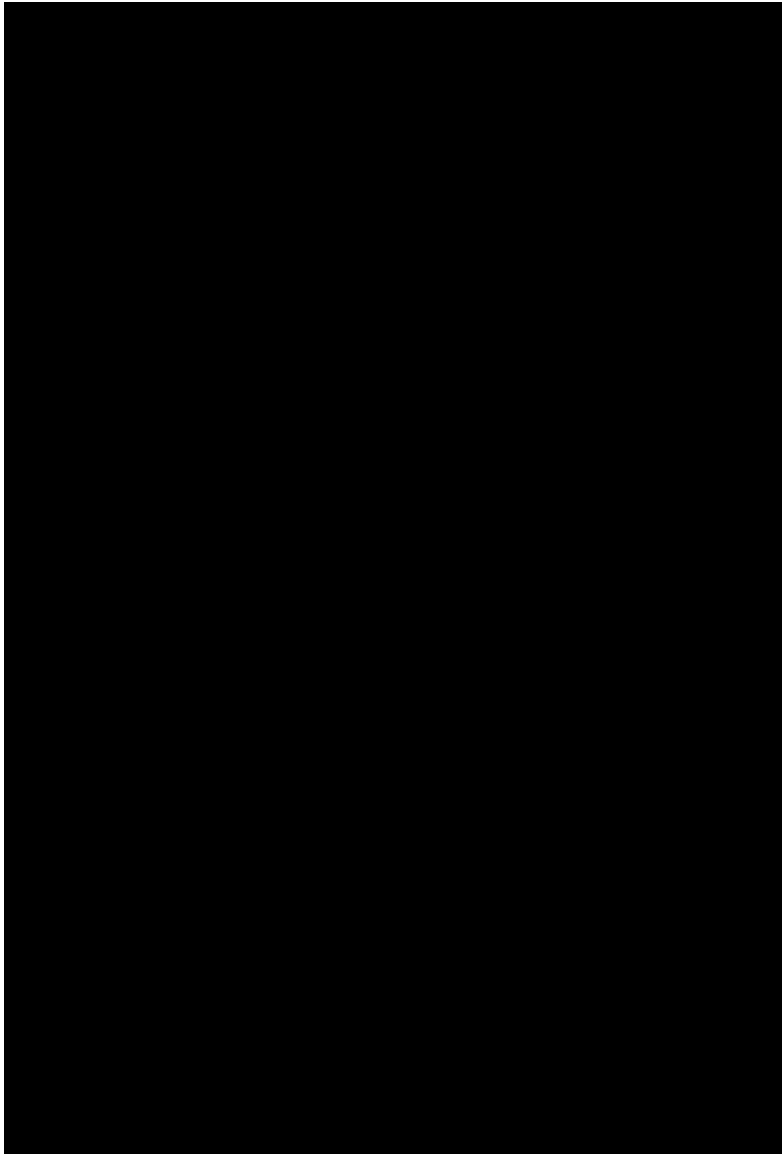
[REDACTED]

Appendix B. Underwriting Fees

Issuance	Principal	UW Discounts & Commissions	
		%	\$
State of Hawaii - GEMS			(Nov-2014)



Issuance	Principal	UW Discounts & Commissions	
		%	\$
CenterPoint Energy Transition Bond Company, IV			(Jan-2012)



150148-STAFFROG2-8-000003

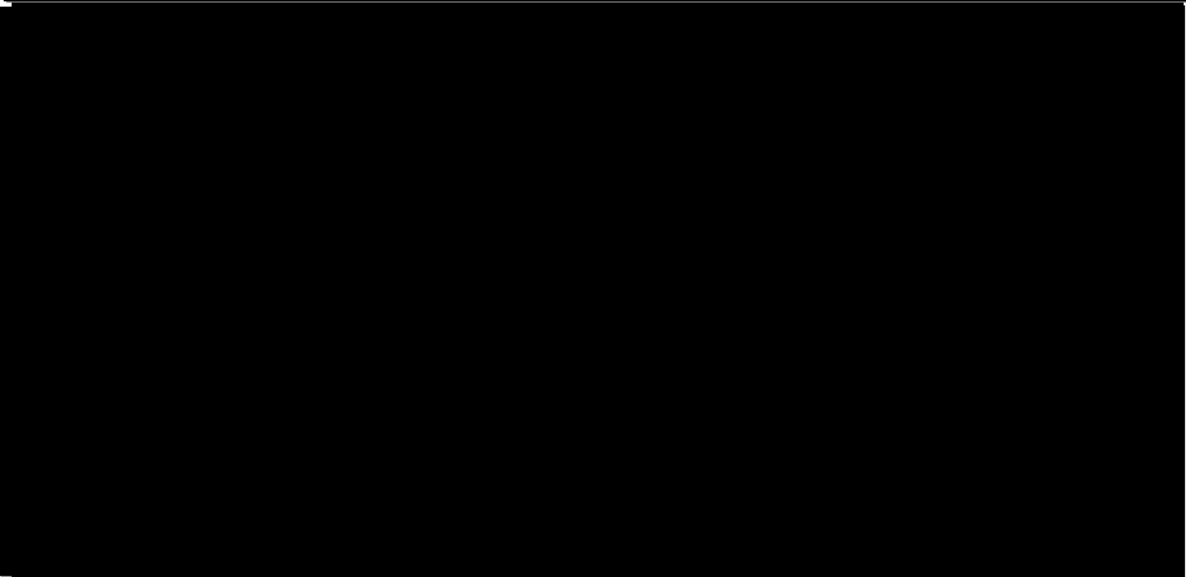
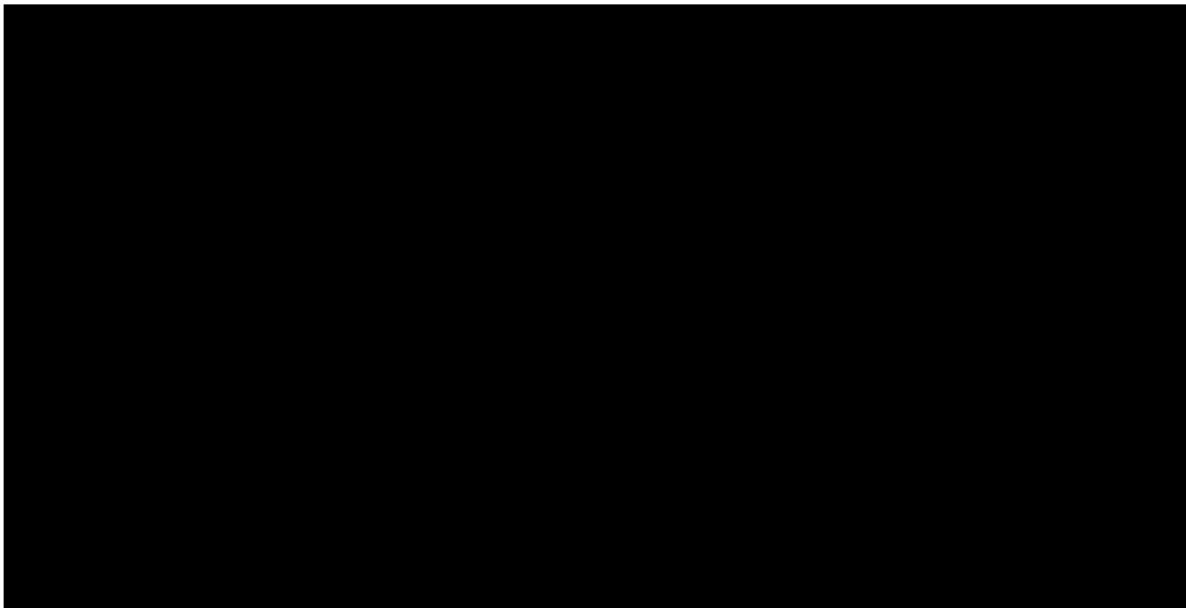
*Morgan Stanley - Line 6
engagement letter*

CONFIDENTIAL

June 26, 2015

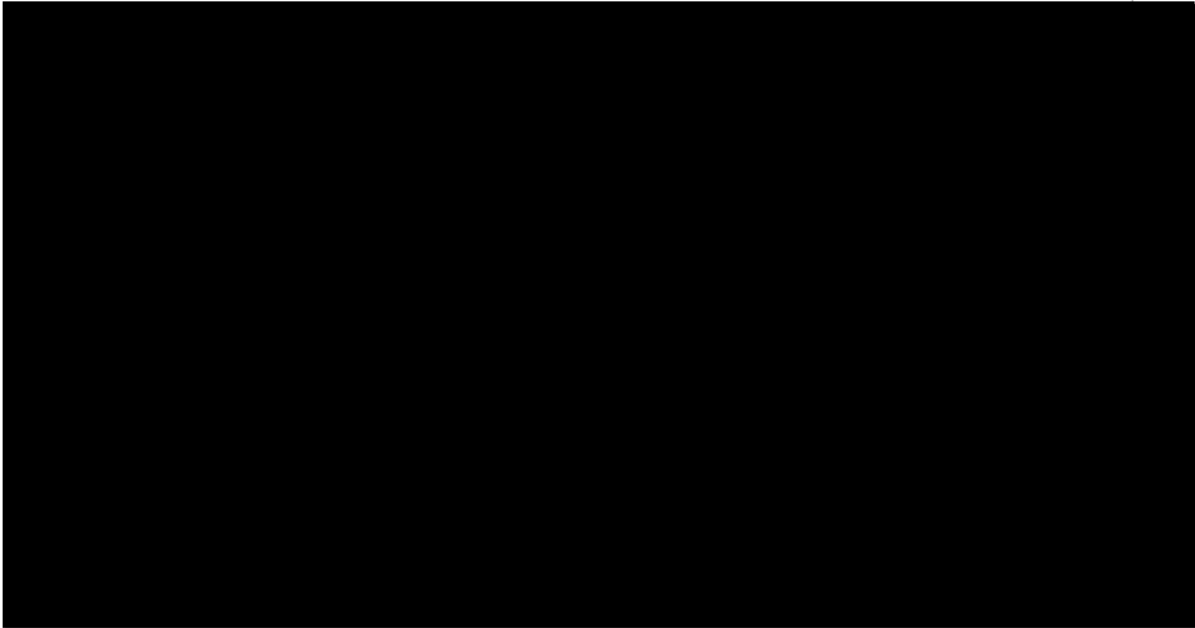
Duke Energy Florida, Inc.
550 South Tryon Street
Charlotte, NC 28202

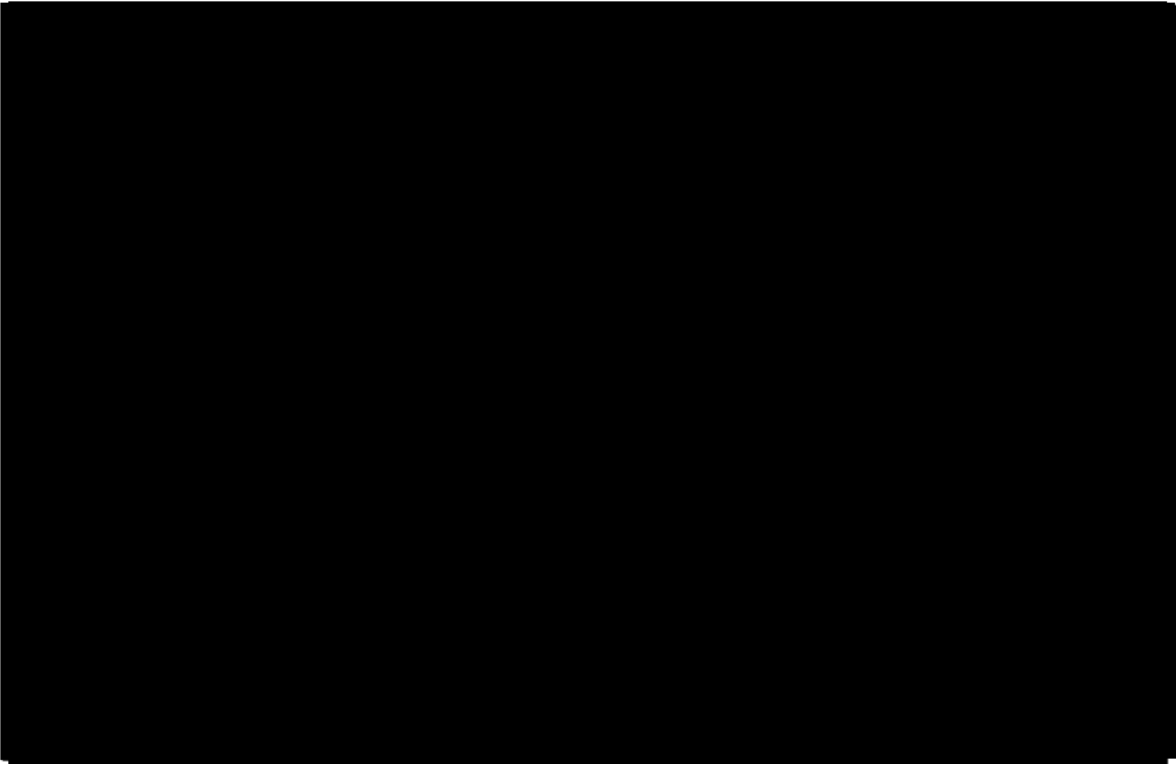
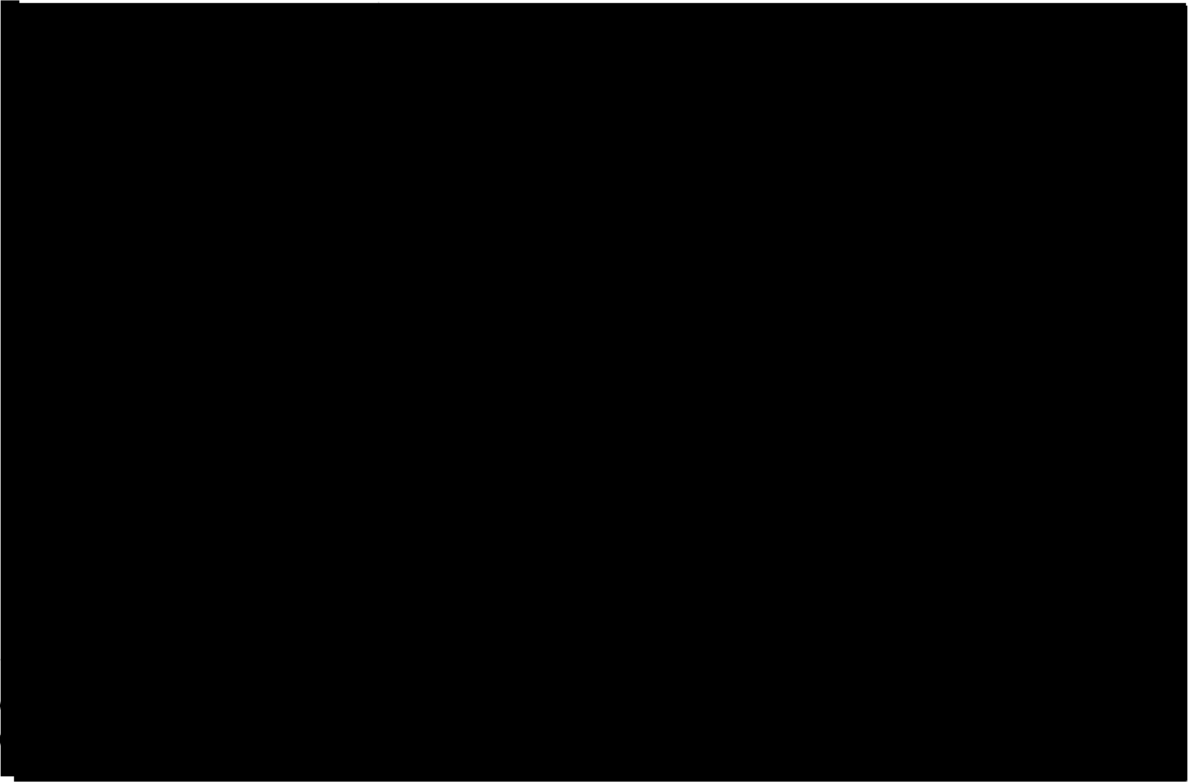
Ladies and Gentlemen:



CONFIDENTIAL

150148-STAFFROG2-8-000004








If the terms hereof are acceptable to the Company, please sign and return one of the originals to the undersigned. We very much look forward to working with you on this engagement.

Very truly yours,

MORGAN STANLEY & CO. LLC

By: _____

Name:
Title:


Patrick Collins
Executive Director

ACCEPTED AND AGREED
as of the date first written above:

DUKE ENERGY FLORIDA, INC.

By: _____


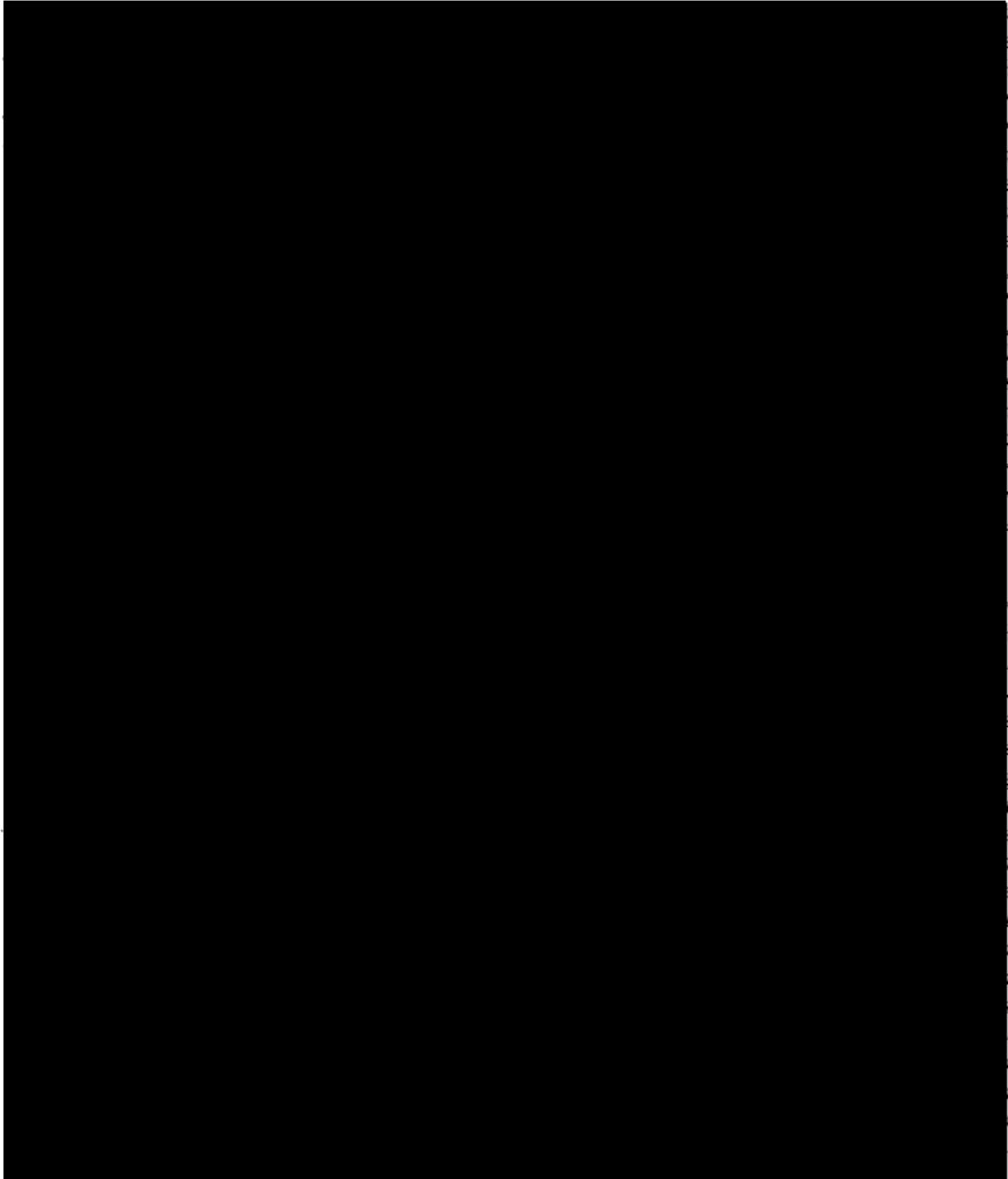
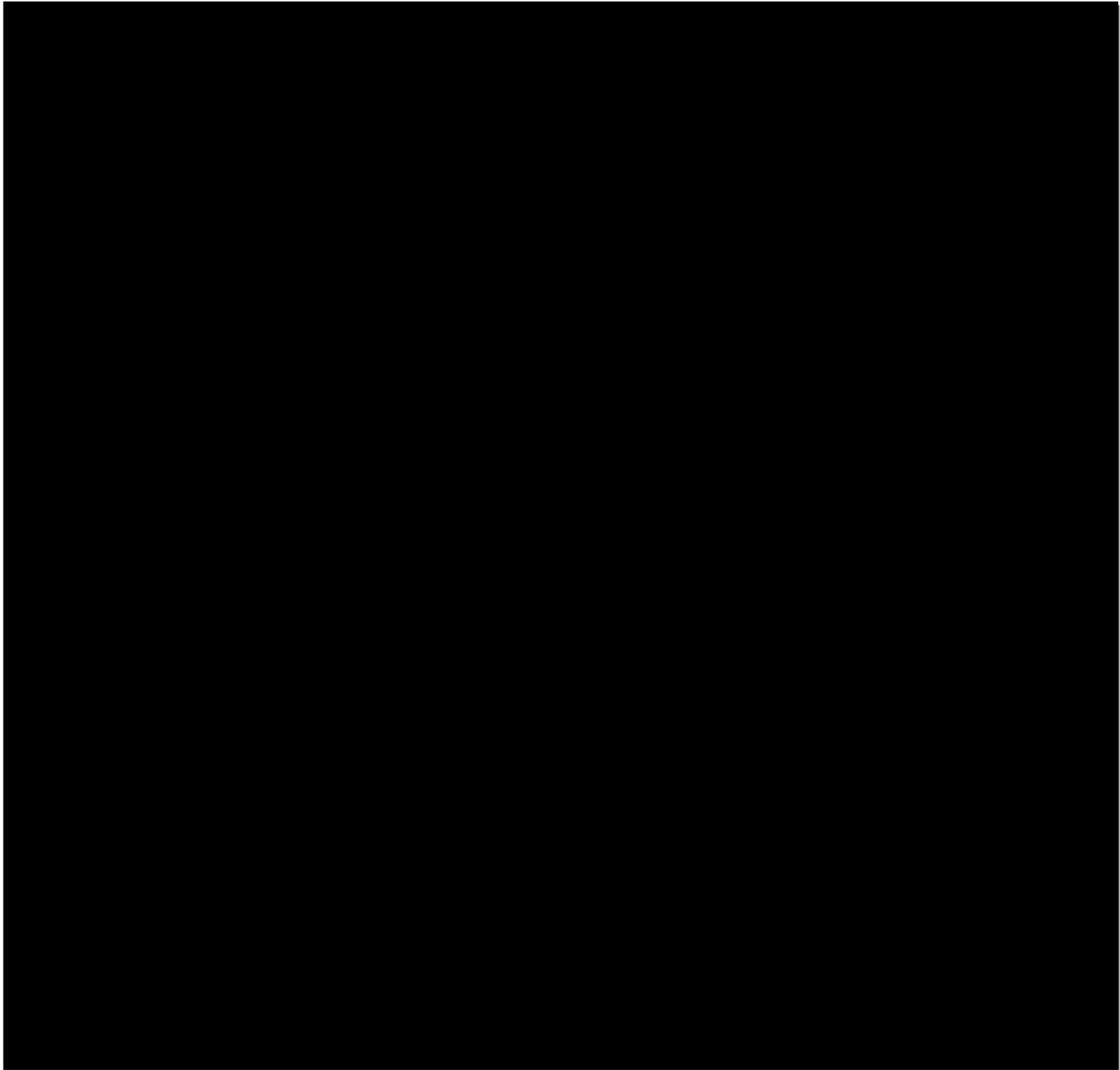

Name: W. Bryan Buckler
Title: Assistant Treasurer

EXHIBIT A

*Morgan Stanley & Co. LLC
1585 Broadway
New York, New York 10036*


Ladies and Gentlemen:





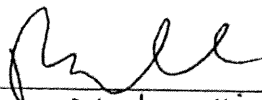
Very truly yours,

DUKE ENERGY FLORIDA, INC.

By: 
Name: *W. Bryan Buckler*
Title: *Assistant Treasurer*

Accepted:

MORGAN STANLEY & CO. LLC

By: 
Name: *Patrick Collins*
Title: *Executive Director*

Date: JUNE 26, 2015

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Exhibit B
REDACTED
(2nd copy)

Structuring Advisory Fee Proposal

Structuring Advisory Fee Proposal

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Indication of Underwriting Fee

- [Redacted]
- [Redacted]

Recent Underwriting Fees

Closing Date	Sponsor	State	Amount	Sched. Final (Years)	No. Bookrunners	UW Fee %
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
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[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]

150148-STAFFROG2-8-000001

[REDACTED]

Financial/structuring advisory fees

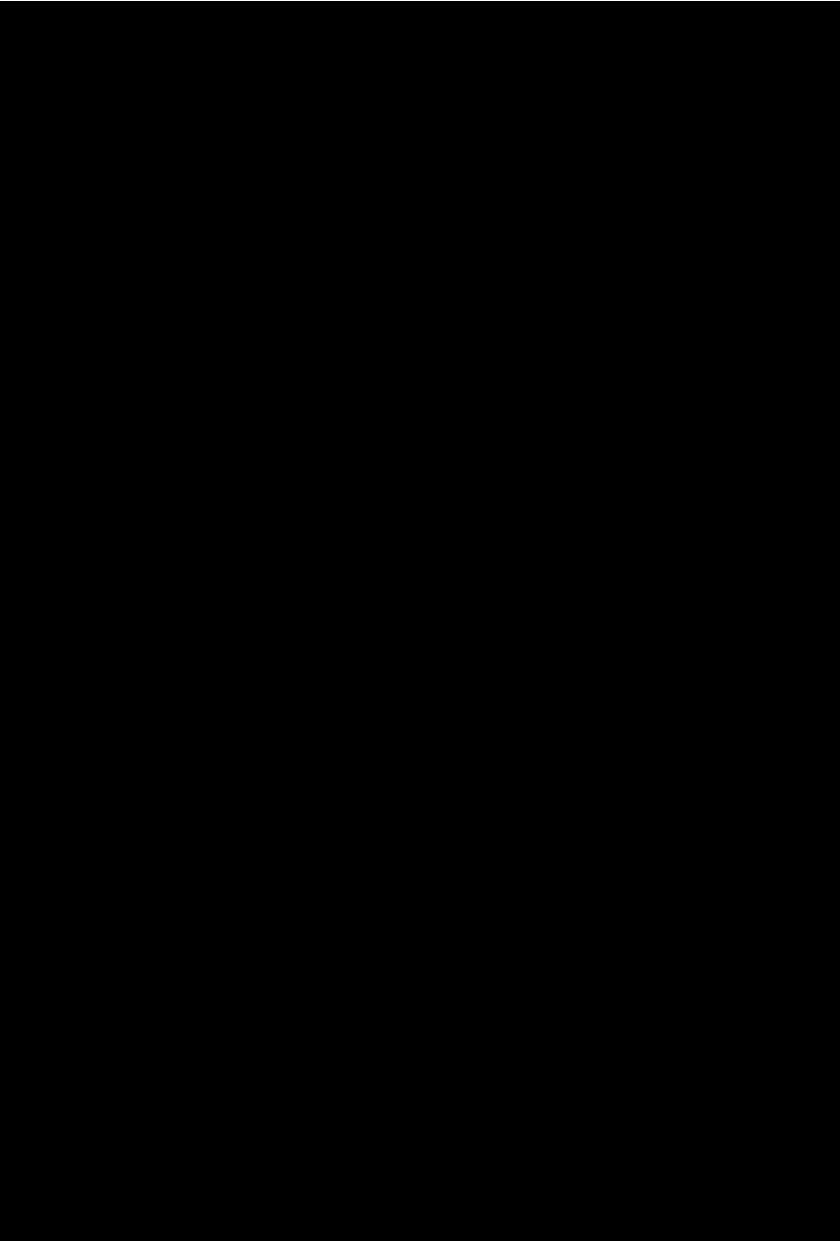
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Underwriting fees:

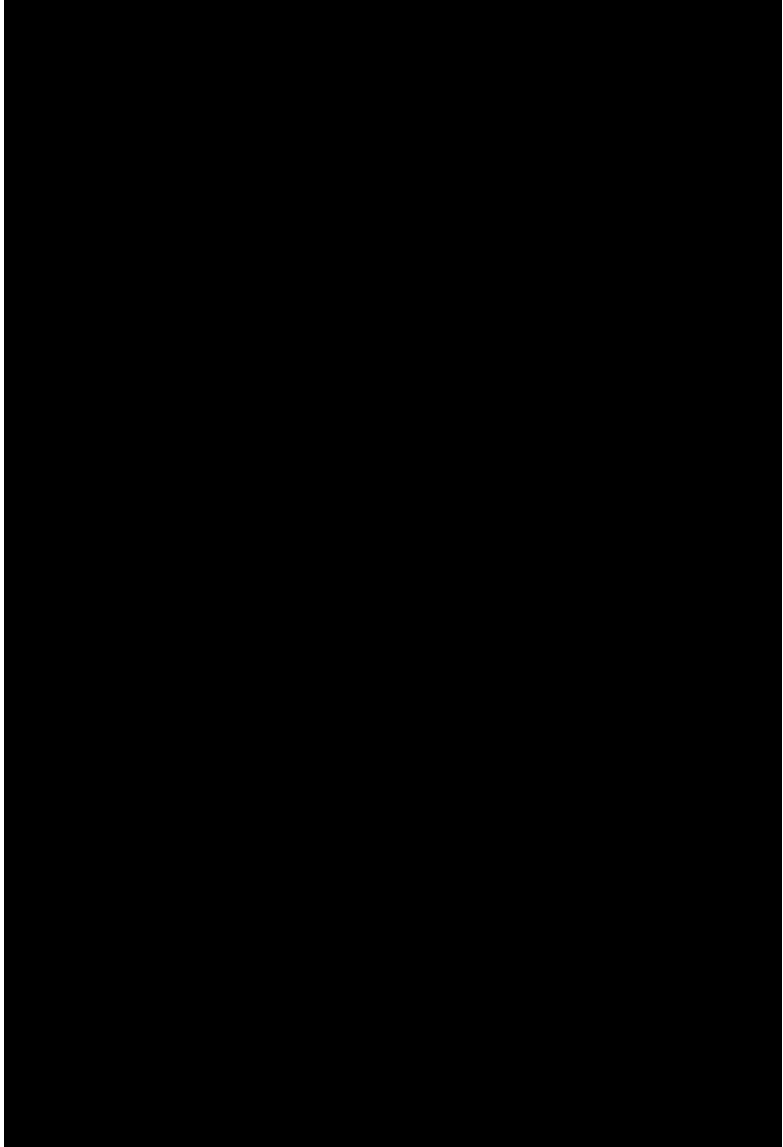
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Appendix B. Underwriting Fees

Issuance	Principal	UW Discounts & Commissions	
		%	\$
State of Hawaii - GEMS			(Nov-2014)



Issuance	Principal	UW Discounts & Commissions	
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CenterPoint Energy Transition Bond Company, IV			(Jan-2012)



150148-STAFFROG2-8-000003

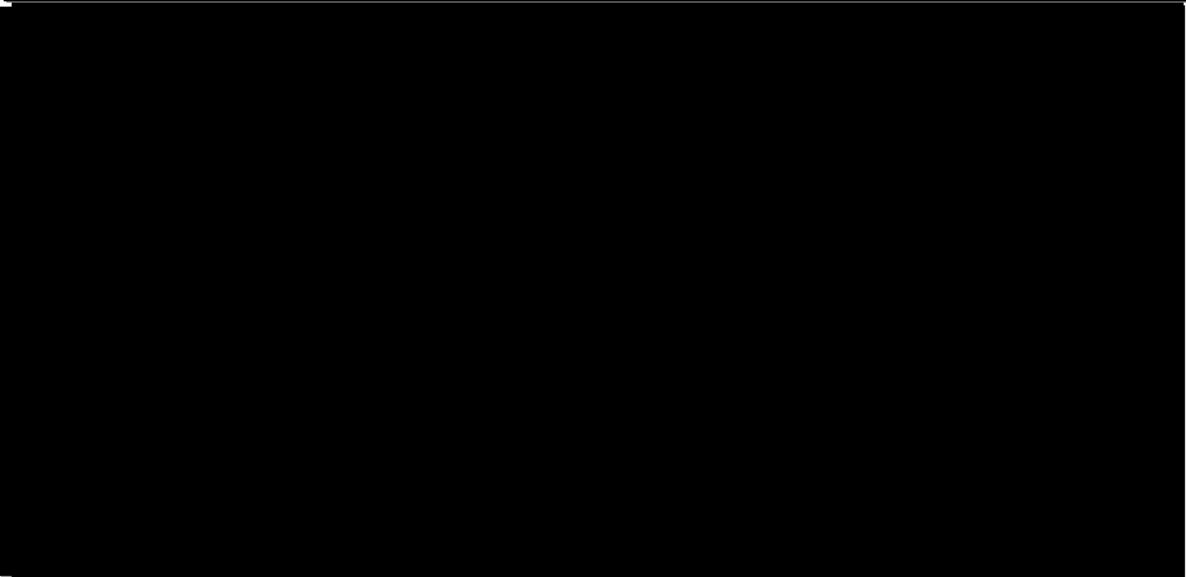
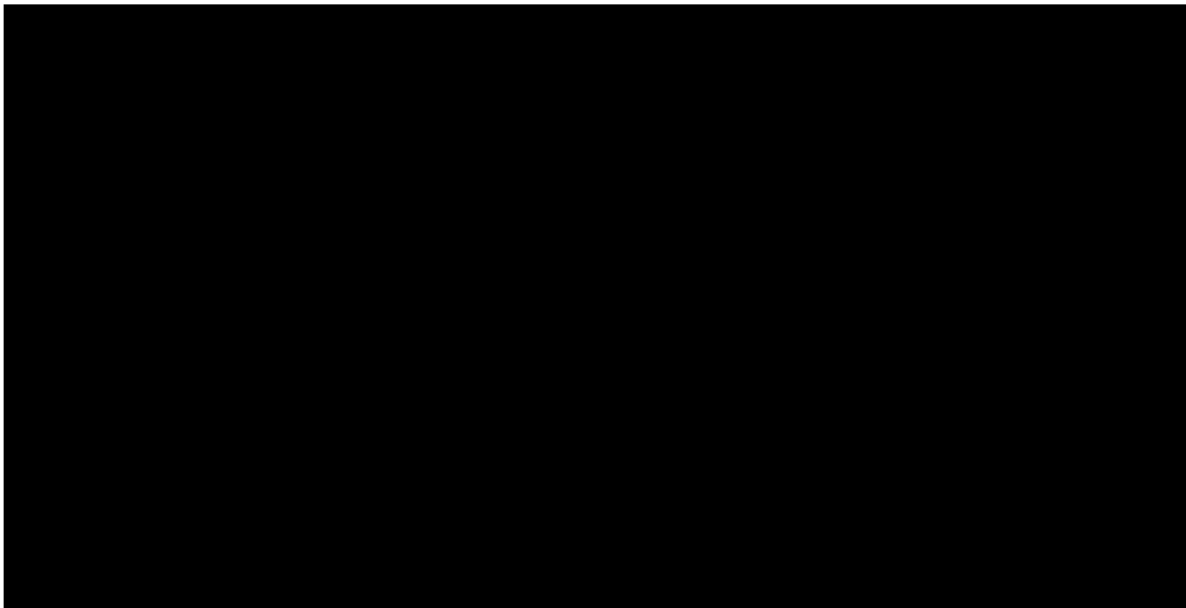
*Morgan Stanley - Line 6
engagement letter*

CONFIDENTIAL

June 26, 2015

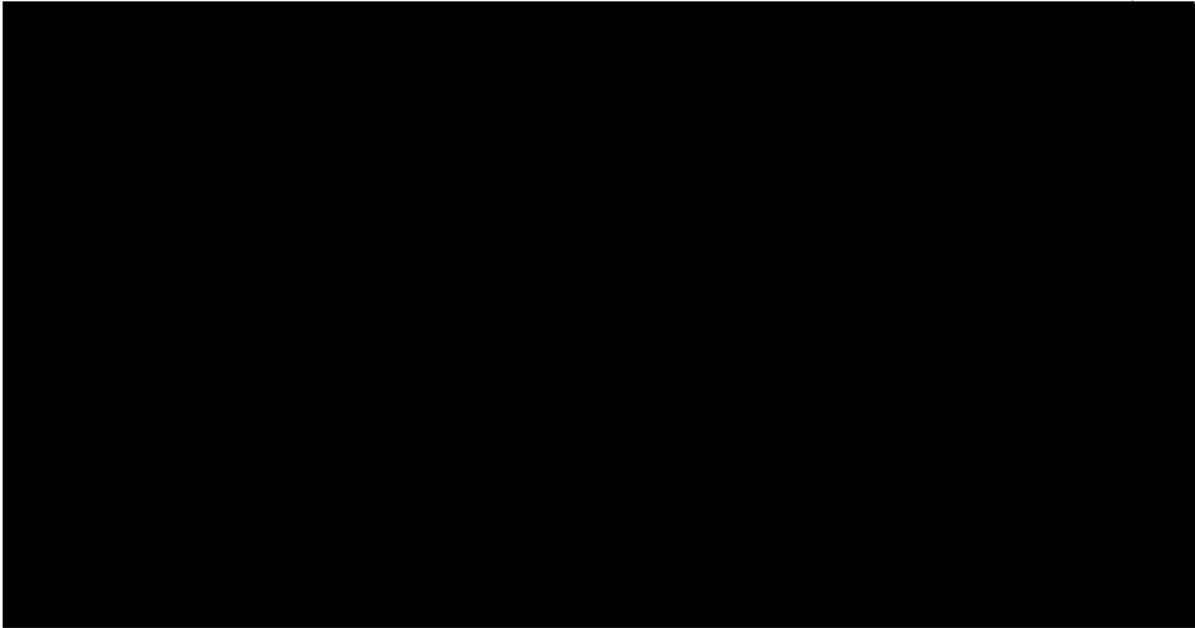
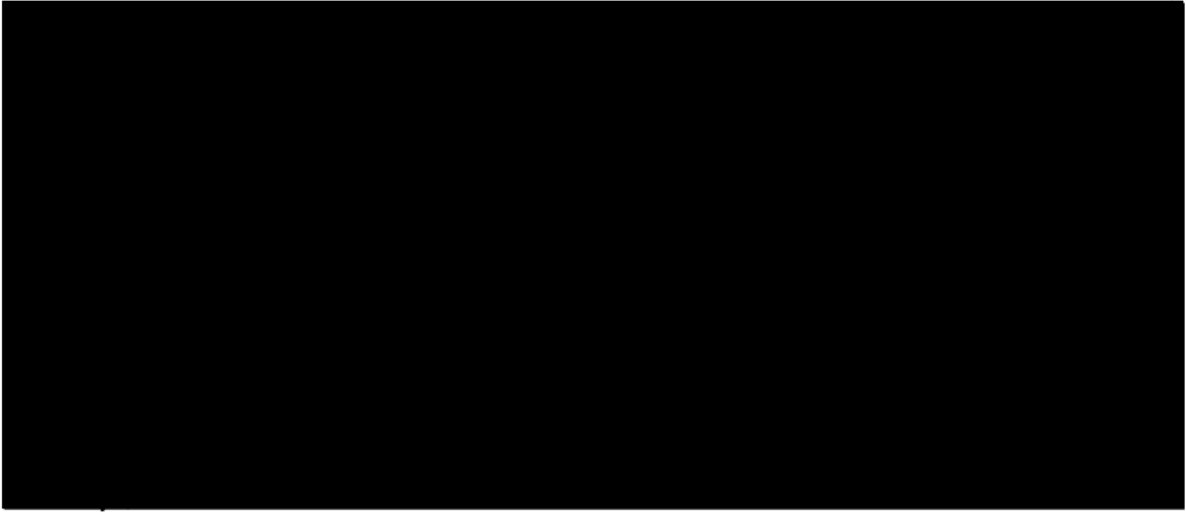
Duke Energy Florida, Inc.
550 South Tryon Street
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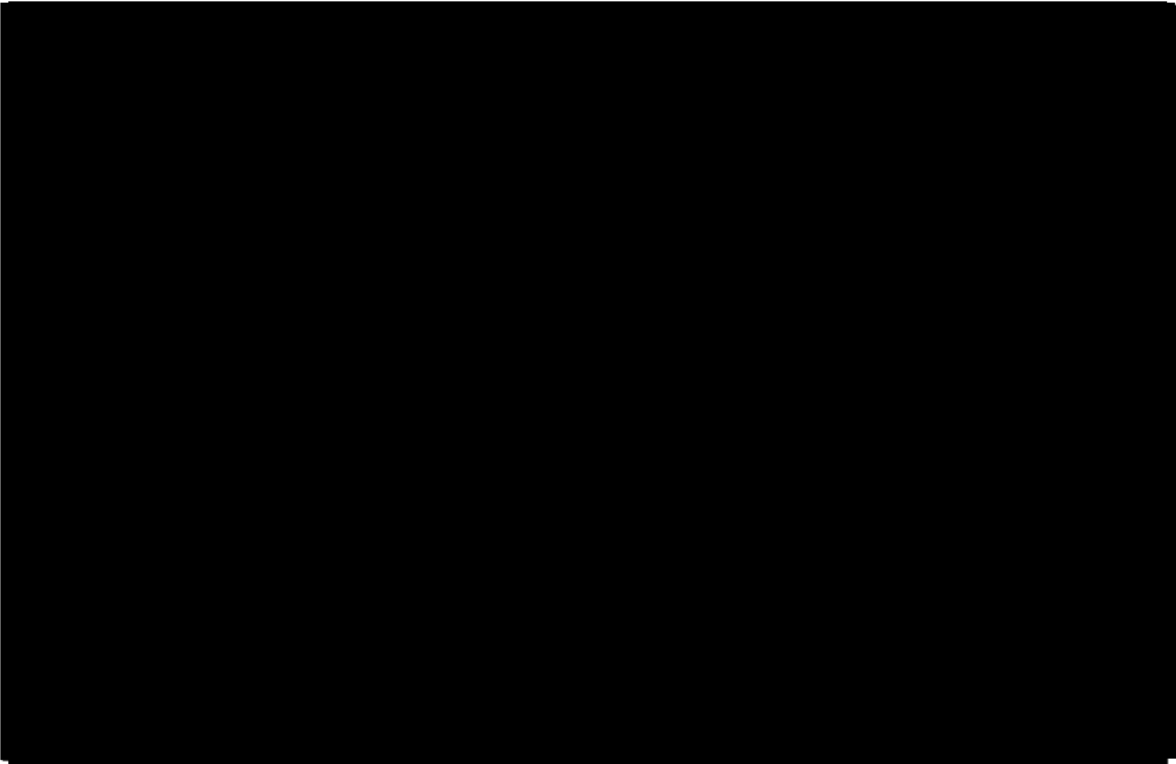
Ladies and Gentlemen:



CONFIDENTIAL

150148-STAFFROG2-8-000004








If the terms hereof are acceptable to the Company, please sign and return one of the originals to the undersigned. We very much look forward to working with you on this engagement.

Very truly yours,

MORGAN STANLEY & CO. LLC

By: _____

Name:
Title:


Patrick Collins
Executive Director

ACCEPTED AND AGREED
as of the date first written above:

DUKE ENERGY FLORIDA, INC.

By: _____


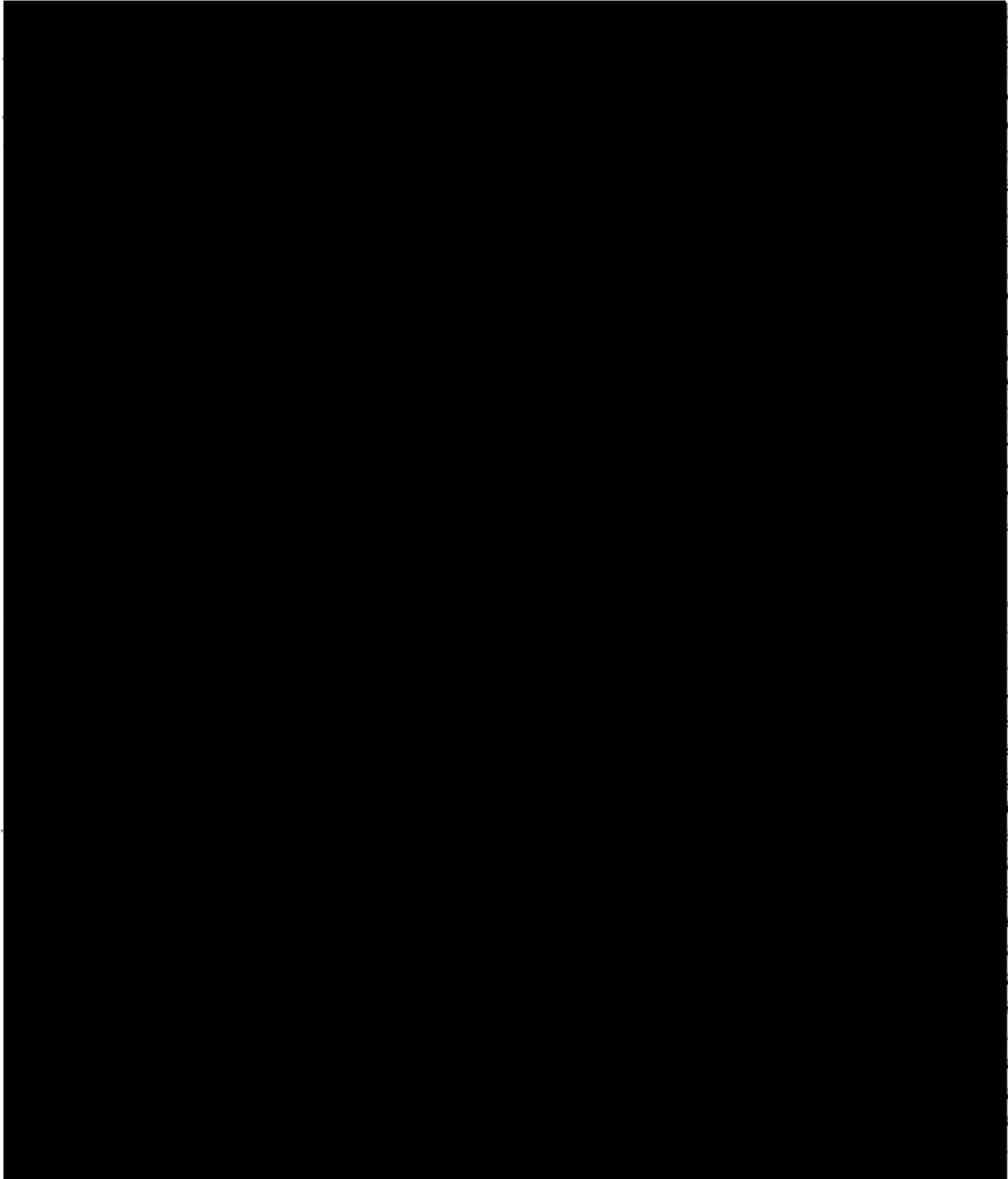

Name: W. Bryan Buckler
Title: Assistant Treasurer

EXHIBIT A

*Morgan Stanley & Co. LLC
1585 Broadway
New York, New York 10036*


Ladies and Gentlemen:





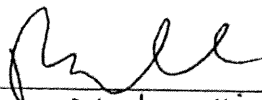
Very truly yours,

DUKE ENERGY FLORIDA, INC.

By: 
Name: *W. Bryan Buckler*
Title: *Assistant Treasurer*

Accepted:

MORGAN STANLEY & CO. LLC

By: 
Name: *Patrick Collins*
Title: *Executive Director*

Date: JUNE 26, 2015

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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**DUKE ENERGY FLORIDA – EXHIBIT C - Docket 150171-EI
Confidentiality Justification**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF Response to Staff’s 2nd Set of Interrogatories, Question #8</p>	<p>Attachment bearing Bates number 150148-STAFFROG2-8-000001, all bulleted lines on the page; all information contained in the table titled “Recent Underwriting Fees.”</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>
<p>DEF Response to Staff’s 2nd Set of Interrogatories, Question #8</p>	<p>Attachment bearing Bates number 150148-STAFFROG2-8-000002, the entire page is confidential</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>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF Response to Staff's 2nd Set of Interrogatories, Question #8</p>	<p>Attachment bearing Bates number 150148-STAFFROG2-8-000003, all information contained in the table titled "Appendix B. Underwriting Fees."</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>
<p>DEF Response to Staff's 2nd Set of Interrogatories, Question #8</p>	<p>Attachment bearing Bates number 150148-STAFFROG2-8-000004 through 150148-STAFFROG2-8-000011, the entire body of the Morgan Stanley engagement letter; the entire body of Exhibit A to Morgan Stanley's engagement letter.</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>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF Response to Staff's 2 nd Set of Interrogatories, Question #34	Attachment bearing Bates number 150148-STAFFROG2-34-000001 the entire page.	<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>
DEF Response to Staff's 2 nd Set of Interrogatories, Question #34	Attachment bearing Bates number 150148-STAFFROG2-34-000002, the entire body of both tables including the footnote.	<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 BRYAN BUCKLER

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval to include in base rates the revenue requirement for the CR3 regulatory asset, by Duke Energy Florida, Inc.

DOCKET NO. 150148-EI

In re: Petition for issuance of nuclear asset-recovery financing order, by Duke Energy Florida, Inc. d/b/a Duke Energy.

DOCKET NO. 150171-EI

DATED: September __, 2015

**AFFIDAVIT OF BRYAN BUCKLER 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 Bryan Buckler, who being first duly sworn, on oath deposes and says that:

1. My name is Bryan Buckler. 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. Effective August 15, 2015, I became the Director of Regulated Accounting for Duke Energy Corporation ("Duke Energy"). In this role I am responsible

for accounting and financial reporting for all of Duke Energy's regulated subsidiaries, including Duke Energy Florida. However, I will still serve as DEF's Treasury witness in this proceeding, and will continue to report to Stephen De May, Senior Vice President and Treasurer of Duke Energy and DEF, for purposes of the nuclear asset-recovery bond transaction.

3. DEF is seeking confidential classification for portions of DEF's Response to Staff's Second Set of Interrogatories, specifically attachments responsive to questions #8 and 34. The confidential information at issue is contained in confidential Exhibit A to this Request 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 sensitive business information, the disclosure of which would impair the Company's efforts to contract for goods and services on favorable terms.

4. Attachments to DEF's Response to Staff's 2nd Second Set of Interrogatories, Question #8 (specifically Bates numbers 150148-STAFFROG2-8-000001 through 150148-STAFFROG2-8-000011), and Question #34 (specifically Bates numbers 150148-STAFFROG2-34-000001 through 150148-STAFFROG2-34-000002) contain sensitive business information including Morgan Stanley's engagement letter, underwriting and structuring agent lists provided by Goldman Sachs, and Morgan Stanley's Structuring Advisory Fee Proposal that DEF relied on to analyze historical utility securitization transactions and provide assumptions and justifications for amounts associated with estimated upfront nuclear asset-recovery bond issuance costs and estimated ongoing financing costs. DEF analyzed sensitive business information

provided by Morgan Stanley and Goldman Sachs to support their proposals. In order to obtain such prior utility fee securitization engagement information, however, DEF must be able to assure these competing financial institutions that sensitive business information provided in their proposals, will be kept confidential. With respect to the information at issue in this request, DEF has kept confidential and has not publicly disclosed underwriting fees, advisory fees, and similar competitive information. Absent such measures, financial institutions who otherwise would contract with DEF might decide not to do so if DEF did not keep the terms of their proposals confidential. Without DEF's measures to maintain the confidentiality of sensitive terms in proposals between DEF and third parties, the Company's efforts to obtain competitive prices for its financial needs could be compromised by financial service competitors changing their position or behavior within the relevant markets.

5. Additionally, the above-referenced Bates numbered attachments contain sensitive business information which could adversely impact competitive business interests of financial institutions working with DEF to obtain competitive nuclear asset-recovery bonds for the proposed securitization. DEF has a contractual obligation with these third parties to not disclose the proprietary business information contained in their engagement letters and presentation materials. Absent such confidentiality measures, third party financial advisors would run the risk that sensitive business information that they provided in their discussions with DEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, the efforts of financial advisors to competitively negotiate financial alternatives with companies such as DEF could be undermined.

6. Upon receipt of confidential information from financial institutions working with DEF, 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 documents. At no time since receiving the contracts and information in question has the Company publicly disclosed that information or documents. 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 15th day of September, 2015.

Bryan Buckler

(Signature)

Bryan Buckler

Director of Regulated Accounting

Duke Energy Business Services, LLC

550 South Tryon Street

Charlotte, NC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 15 day of September, 2015 by BRYAN BUCKLER. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

Catherine Marshall McCran

(Signature)

Catherine Marshall McCran

(Printed Name)

NOTARY PUBLIC, STATE OF NC

7-6-2020

(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)

(Serial Number, If Any)