

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Nuclear Cost Recovery Clause

Docket No. 150009-EI
Submitted for Filing: Nov. 2, 2015

**DUKE ENERGY FLORIDA'S
MOTION TO EXTEND CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, LLC (“DEF” or the “Company”), hereby files this Motion to Extend Confidential Classification concerning portions of the testimonies and exhibits filed as part of the Company’s March 1, 2014 True-Up Filing in Docket 140009-EI. The testimonies and exhibits regard: (1) portions of the testimony of Mr. Thomas G. Foster and Exhibit Nos.____ (TGF-1), (TGF-2) AND (TGF-3); portions of the testimony of Mr. Christopher M. Fallon and Exhibit Nos. ____ (CMF-1), (CMF-2), (CMF-3), (CMF-4), (CMF-5), and (CMF-6); and (3) portions of the testimony of Mr. Michael R. Delowery and Exhibit No. ____ (MRD-4). The specific information identified below continues to be proprietary, confidential business information within the definition of section 366.093(3), Florida Statutes. Therefore, DEF requests that the Commission continue to treat the information as confidential for a period of five (5) years. In support, DEF states as follows:

The portions of testimonies and exhibits, as explained in the Company’s First Request for Confidential Classification filed with the Commission on March 3, 2014, document number 01012-14, hereby incorporated with all exhibits by reference, contains proprietary confidential business information.

The Commission granted DEF's First Request for Confidential Classification regarding these documents in Order No. PSC-14-0202-CFO-EI, dated May 2, 2014, therefore, this request is timely.

As detailed in the March 3, 2014 Request, which DEF hereby incorporates by reference, the confidential testimony and exhibits of Mr. Thomas G. Foster contain capital costs and contracts for the equipment, materials, and services necessary for the Levy Nuclear Power Project ("LNP") and the Crystal River Unit 3 ("CR3") Extended Power Uprate ("EPU") Project. More specifically, portions of Mr. Foster's testimony and exhibits contain sensitive contractual information and numbers regarding the LNP and EPU projects, sensitive information regarding the purchase of goods and services for the EPU project, as well as closeout costs for those contracts. The release of this information would impair DEF's competitive business interests to negotiate favorable contracts, as well as violate contractual nondisclosure provisions of these contracts.

Also with regards to the EPU project, portions of Mr. Delowery's testimony contains certain confidential cost numbers that reflect negotiations with vendors to closeout EPU LLE procurement contracts. In addition, Exhibit No. ____ (MRD-4) to Mr. Delowery's testimony contains confidential contractual information and pricing arrangements between DEF and its vendors related to the closeout plan for the project. This information relates to competitively negotiated contractual data the disclosure of which would impair the efforts of the Company to negotiate on favorable terms. The Company must be able to assure these vendors that sensitive business information, including negotiated settlement terms, will be kept confidential and the contracts at issue contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties.

Regarding the LNP specifically, portions of the testimony of Mr. Foster and Mr. Fallon also contain competitively sensitive capital cost numbers under the terms and conditions of the Engineering, Procurement, and Construction contract (“EPC Agreement”) with Westinghouse Corporation and Stone & Webster, Inc. (the “Consortium”).

In addition, the confidential Exhibits of Mr. Fallon contain highly confidential settlement information between the Consortium and its vendors regarding the disposition of long lead time equipment (“LLE”) for LNP. If disclosed to third parties, this information would adversely impact DEF’s competitive business interests and ongoing litigation with Westinghouse. Indeed, most the contracts at issue, specifically including the EPC Agreement, contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. Additionally, revealing LLE disposition terms to third parties may compromise DEF’s ability to negotiate additional LLE dispositions on a favorable basis.

In Order No. PSC-14-0202-CFO-EI the Commission found that these portions of the testimonies and exhibits filed as part of the Company’s March 1, 2014 True-Up Filing in Docket 140009-EI contain proprietary confidential business information exempt from disclosure under the public records law pursuant to section 366.093(1) and (3), Florida Statutes. Thus, the Commission is not required to engage in any further analysis or review such as weighing the potential harm to the Company of disclosure of this information.

Moreover, because this contractual information will continue to remain confidential beyond the standard eighteen (18) month time frame provided in section 366.093(3)(d), Florida Statutes, and to ease the administrative burden of receiving multiple requests for extension, DEF requests that the Commission enter an Order granting this information confidential classification for a period of five (5) years.

WHEREFORE, DEF respectfully requests that the portions of the testimonies and exhibits filed as part of the Company's March 1, 2014 True-Up Filing in Docket 140009-EI identified in document number 01013-14 determined by the Commission to be confidential and exempt from public disclosure in Order No. PSC-14-0202-CFO-EI, continue to be classified as confidential and exempt from public disclosure for an additional five (5) years for the reasons set forth above.

Respectfully submitted,

/s/ Dianne M. Triplett

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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 2nd day of November, 2015.

/s/ Dianne M. Triplett

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