



Matthew R. Bernier
SENIOR COUNSEL
Duke Energy Florida, LLC

April 28, 2016

VIA ELECTRONIC DELIVERY

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

Re: Nuclear Cost Recovery Clause; Docket No. 160009-EI

Ms. Stauffer:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's First Request for Extension of Confidential Classification concerning portions of the revised exhibits TGF-4 and TGF-5, the Nuclear Filing Requirements ("NFRs"), of Thomas G. Foster, (document no. 06213-12) filed September 17, 2012 in Docket 120009-EI. Also attached is Revised Exhibit D, Affidavit of Mark R. Teague in support of DEF's First Request for Extension of Confidential Classification. The original Request included Exhibits A, B, and C.

There are no changes to the original Request exhibits: Exhibit A consisting of the confidential unredacted documents; Exhibit B containing two (2) redacted copies of the confidential documents; or Exhibit C that contained a justification matrix in support of DEF's original Request. The aforementioned exhibits remain on file with the Clerk.

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: Nuclear Cost Recovery
Clause

Docket No. 160009-EI

Dated: April 28, 2016

**DUKE ENERGY FLORIDA LLC'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, LLC (“DEF” or “Company”), pursuant to Section 366.093, Florida Statutes (“F.S.”), and Rule 25-22.006, Florida Administrative Code (“F.A.C.”), submits its First Request for Extension of Confidential Classification (“Request”) for certain information contained in the revised exhibits of Thomas G. Foster submitted in Docket No. 120009 on September 7, 2012. In support of the Request, DEF states as follows:

1. On September 17, 2012, DEF filed a Request for Confidential Classification of certain information contained in portions of the revised exhibits, the Nuclear Filing Requirements (“NFRs”), of Thomas G. Foster, (document no. 06213-12) that includes sensitive business information as it contains confidential proprietary business information.

2. DEF’s September 17, 2012 Request was granted by Order No. PSC-14-0633-CFO-EI on October 31, 2014. The period of confidential treatment granted by that order will expire on April 30, 2016. The information continues to warrant treatment as “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Accordingly, DEF is filing its First Request for Extension of Confidential Classification.

3. DEF submits that the information contained in the revised exhibits of Thomas G. Foster, specifically Revised NFR Exhibit Nos. TGF-4 and TGF-5, contained in DEF’s confidential Exhibit A to the September 17, 2012 Request continue to be “proprietary confidential business information” within the meaning of section 366.093(3), F.S. and continue

to require confidential classification. *See* Affidavit of Mark R. Teague at ¶¶ 4-5, attached as Revised Exhibit “D”. This information is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public. Pursuant to section 366.093(1), F.S., such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the Public Records Act. *See* Affidavit of Mark R. Teague ¶ 6.

4. Nothing has changed since the issuance of Order No. PSC-14-0633-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Upon a finding by the Commission that this information continues to be “proprietary confidential business information,” it should continue to be treated as such for an additional period of at least 18 months, and should be returned to DEF as soon as the information is no longer necessary for the Commission to conduct its business. *See* §366.093(4), F.S.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this First Request for Extension of Confidential Classification be granted.

Respectfully submitted this 28th day of April, 2016.

/s/ Matthew R. Bernier

DIANNE M. TRIPLETT
Associate General Counsel
DUKE ENERGY FLORIDA, LLC
Post Office Box 14042
St. Petersburg, Florida 33733-4042
Telephone: (727) 820-4692
Facsimile: (727) 820-5041
Email: dianne.triplett@duke-energy.com

MATTHEW R. BERNIER
Senior Counsel
DUKE ENERGY FLORIDA, LLC
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
Telephone: (850) 521-1428
Facsimile: (727) 820-5041
Email: matthew.bernier@duke-energy.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via electronic mail to the following this 28th day of April, 2016.

/s/ Matthew R. Bernier

Attorney

<p>Martha Barrera Kyesha Mapp Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 mbarrera@psc.state.fl.us kmapp@psc.state.fl.us</p> <p>Kenneth Hoffman Vice President, Regulatory Affairs Florida Power & Light Company 215 S. Monroe Street, Suite 810 Tallahassee, FL 32301-1859 ken.hoffman@fpl.com</p> <p>Jessica Cano Kevin I.C. Donaldson Florida Power & Light Company 700 Universe Boulevard June Beach, FL 33408-0420 jessica.cano@fpl.com kevin.donaldson@fpl.com</p> <p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com</p> <p>George Cavros 120 E. Oakland Park Blvd, Suite 105 Fort Lauderdale, FL 33334 george@cavros-law.com</p>	<p>J.R.Kelly Charles J. Rehwinkel Erik L. Sayler Patty Christensen Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399 kelly.jr@leg.state.fl.us rehwinkel.charles@leg.state.fl.us sayler.erik@leg.state.fl.us christensen.patty@leg.state.fl.us</p> <p>Victoria Mendez Christopher A. Green Xavier Alban Kerri L. McNulty City of Miami 444 SW 2nd Avenue, Suite 945 Miami, FL 33130-1910 vmendez@miamigov.com cagreen@miamigov.com xealban@miamigov.com klmcnulty@miamigov.com omorera@miamigov.com</p> <p>Robert Scheffel Wright John T. LaVia III Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p>
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Exhibit A

“CONFIDENTIAL”

(On file)

Exhibit B

(On file)

**DUKE ENERGY FLORIDA
Confidentiality Justification Matrix**

(On file)

**Revised Exhibit D
Affidavit of
Mark R. Teague**

Exhibit A

“CONFIDENTIAL”

(On file)

Exhibit B

(On file)

**DUKE ENERGY FLORIDA
Confidentiality Justification Matrix**

(On file)

**Revised Exhibit D
Affidavit of
Mark R. Teague**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery
Clause

Docket No. 160009-EI

Dated: April __, 2016

**AFFIDAVIT OF MARK R. TEAGUE IN SUPPORT OF DUKE ENERGY
FLORIDA'S REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Mark R. Teague. I am employed by Duke Energy Business Services, LLC ("Duke Energy") and serve as its Managing Director of Major Projects Sourcing in the Supply Chain Department. I am over the age of 18 years old and I have been authorized by Duke Energy Florida ("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 Extension of Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. As Managing Director of Major Projects, my role includes providing management oversight in the disposition of the Crystal River Unit 3 ("CR3") Extended Power Uprate ("EPU") assets by ensuring that Supply Chain employees at CR3 follow DEF's processes and procedures. I also have responsibility for the Supply Chain functions for Duke Energy International and with most Duke Energy Major Projects.

3. DEF is seeking an extension of confidential classification for certain information contained in portions of the revised exhibits, the Nuclear Filing Requirements ("NFRs"), of

Thomas G. Foster, specifically Exhibit Nos. TGF-4 and TGF-5 filed on September 17, 2012 in Docket No. 120009-EI (document no. 06213-12) and also admitted as Hearing Exhibits No. 7 and No. 8. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix Exhibit C. The referenced Exhibits are on file with the Clerk. DEF is seeking an extension of 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 or services on favorable terms.

4. DEF negotiates with vendors to obtain competitive contractual arrangements regarding the disposition of the EPU project assets, the disclosure of which would impair DEF's competitive business interests. Mr. Foster's revised exhibits contain or reflect contractual arrangements, including terms, prices, and conditions between DEF and providers of various equipment and services required for the close-out of the EPU project. DEF has kept confidential and has not publicly disclosed the confidential information regarding the close-out of the EPU project. The Company must be able to assure its vendors that sensitive business information such contractual terms and close-out agreements will be kept confidential. Additionally, the contracts at issue in this Request contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and nuclear contractors, the Company's efforts to obtain competitive contracts for the close-out of the EPU project would be undermined.

5. Additionally, revealing the terms of the EPU project terms to third parties may compromise DEF's ability to negotiate additional contracts on a favorable basis. The disclosure of confidential information between DEF and its vendors could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to negotiate and obtain favorable contractual terms that provide economic value to both

DEF and its customers could be compromised. If other third parties were made aware of confidential contractual terms that DEF has with other parties, they may offer less competitive contractual terms in future contractual negotiations.

6. Upon receipt of all this confidential information, 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. At no time since negotiating and receiving the contracts has the Company publicly disclosed the information or the terms of the contracts at issue. The Company has treated and continues to treat the information at issue as confidential.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated this 21th day of April, 2016.

Mark R. Teague
(Signature)
Mark R. Teague

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 27 day of April, 2016 by Mark R. Teague. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.



Deborah G. Thrap
(Signature)
Deborah G. Thrap
(Printed Name)
NOTARY PUBLIC, STATE OF NC
4/25/2017
(Commission Expiration Date)
19970910128
(Serial Number, If Any)