

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Irma and Nate by Duke Energy Florida, LLC

Docket No. 20170272-EI

Dated: January 31, 2019

**DUKE ENERGY FLORIDA, LLC'S
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Duke Energy Florida, LLC (“DEF”), hereby moves pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, for entry of a temporary protective order covering confidential documents and information sought in discovery by the Office of Public Counsel (“OPC”) and as grounds therefore states as follows:

1. In its Third Request for Production of Documents (Nos. 16-17), OPC has requested confidential information and documents, specifically, portions of the supplemental documents produced in response to Request 16, bearing bates numbers 20170272-DEF-OPC-POD 3-16-0005641 through 20170272-DEF-OPC-POD 3-16-0006268. The supplemental documents responsive to this request for production contain confidential contractor contracts, mutual aid agreements, pricing, and payment terms. DEF is required to maintain the confidentiality of its contractors’ confidential information, including contractor rates, contained within the documents at issue. Confidential protection of this information is requested because public disclosure of this information could adversely affect the Company’s ability to negotiate future contracts and/or secure required resources during a storm response event, therefore impacting the company’s competitive interest and ultimately having a

detrimental impact on DEF's customers. Disclosure of this information may cause harm to the company's business operations and this information has not been disclosed or released to the public. *See* Section 366.093(3)(d), Fla. Stat.

2. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, direct that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by public counsel as confidential and shall be exempt from the public records law, Chapter 119.07(1), Florida Statutes. DEF, by this motion, is seeking protection of all confidential documents and information that DEF will produce to OPC in this matter pursuant to OPC's Third Request for Production of Documents as more specifically stated above. By following this procedure and producing these documents and information, DEF is not waiving its right to seek further relief as necessary to make certain that its confidential, proprietary, business information is not publicly disclosed during any public hearing in this docket.

3. DEF further requests that in connection with the entry of a temporary protective order, the Commission also require Public Counsel to provide DEF with notice of its intent to use such confidential documents and information in connection with the hearing in this matter.

WHEREFORE, DEF requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to information identified as confidential and produced in response to OPC's Third Request for Production of Documents, instructing Public Counsel to continue to treat it as confidential, and requiring Public Counsel to provide DEF with notice of its intent to use such confidential information in connection with the

hearing in accord with the prehearing order governing procedure.

Respectfully submitted this 31st day of January, 2019.

s/ Matthew R. Bernier

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 31st day of January, 2019.

s/ Matthew R. Bernier
Attorney

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