



Matthew R. Bernier  
ASSOCIATE GENERAL COUNSEL

February 28, 2019

**VIA ELECTRONIC MAIL**

Adam Teitzman, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: *Duke Energy Florida, LLC's Petition for approval of Modifications to DEF's Rate Schedule LS-1- Lighting Service; Docket 20190023-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification filed in connection with DEF's response to Staff's First Data Request, on February 8, 2018.

The filing includes the following:

- DEF's Request for Confidential Classification
- Slipsheet for confidential Exhibit A
- Redacted Exhibit B (two copies)
- Exhibit C (justification matrix), and
- Exhibit D (affidavit of James Cowling)

DEF's confidential Exhibit A that accompanies the above-referenced filing was filed with DEF's Notice of Intent to Request Confidential Classification (document no. 00713-2019) and remains 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*

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Matthew R. Bernier

MRB/mw  
Enclosure

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition for approval of  
modifications to DEF's Rate Schedule LS-  
1 – Lighting Service

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Docket No. 20190023-EI  
Filed: February 28, 2019

**DUKE ENERGY FLORIDA, LLC'S  
REQUEST FOR 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 this Request for Confidential Classification for certain information provided in DEF's Response to Staff's First Data Request, filed in this docket on February 8, 2019, concurrently filed 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. Information contained in DEF's Response to Staff's First Data Request, specifically questions 1 and 3, contain “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

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 was submitted separately in a sealed envelope labeled “CONFIDENTIAL” on February 8, 2019. 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 in DEF’s Response to Staff’s First Data Request, questions numbers. 1 and 3, relates to contractual lighting product pricing between DEF and third parties, the disclosure of which would adversely impact DEF’s competitive interests if it were disclosed to the public *See* § 366.093(3)(d), F.S.; Affidavit of James H. Cowling at ¶ 4.

4. Furthermore, the information at issue relates to the competitive business interests of the parties negotiating contractual lighting product prices 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 James H. Cowling 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 James H. Cowling at ¶ 6. The

information has not been disclosed to the public, and the Company has treated and continues to treat this information as confidential. Id.

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 Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of February, 2019.

*s/Matthew R. Bernier*

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DIANNE M. TRIPLETT  
Deputy General Counsel  
Duke Energy Florida, LLC.  
299 First Avenue North  
St. Petersburg, FL 33701  
T: 727.820.4692  
F: 727.820.5041  
E: [Dianne.Triplett@duke-energy.com](mailto:Dianne.Triplett@duke-energy.com)

MATTHEW R. BERNIER  
Associate General Counsel  
Duke Energy Florida, LLC  
106 East College Avenue  
Suite 800  
Tallahassee, Florida 32301  
T: 850.521.1428  
F: 727.820.5041  
E: [Matthew.Bernier@duke-energy.com](mailto:Matthew.Bernier@duke-energy.com)

**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 28<sup>th</sup> day of February, 2019.

*s/Matthew R. Bernier*

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Attorney

Kristen Simmons Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:ksimmons@psc.state.fl.us">ksimmons@psc.state.fl.us</a>	
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# **Exhibit A**

**CONFIDENTIAL**  
**FILED ON FEBRUARY 8, 2019**  
**UNDER SEPARATE COVER**

# **Exhibit B**

**REDACTED**

Duke Energy Florida

REDACTED

Docket No. 20190023-EI, Data Request #1

Billing Type/Description	Lumen Output	Wattage	KWH	(F)	Maintenance	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
				Fix. Rent Rate (8) *		Luminaire	Photo Control	Labor	Fleet Loader	OH Service Wire	Design Eng. & PM	Supv. & Mgt.	Total (1-7)
121	213 watt LED Shoebox Bronze III	21,164	213	75	\$20.42	\$1.39							
122	213 watt LED Shoebox Bronze IV	20,555	213	75	\$20.42	\$1.39							
123	213 watt LED Shoebox Bronze V	21,803	213	75	\$20.42	\$1.39							
124	213 watt LED Shoebox Black III	21,164	213	75	\$20.42	\$1.39							
126	213 watt LED Shoebox Black IV FWT	20,555	213	75	\$20.42	\$1.39							
127	213 watt LED Shoebox Black V	21,803	213	75	\$20.42	\$1.39							
156	421 watt LED Shoebox Bronze IV FWT	39,078	421	147	\$29.20	\$1.39							
157	421 watt LED Shoebox Bronze V	43,317	421	147	\$29.20	\$1.39							
158	421 watt LED Shoebox Black IV FWT	39,078	421	147	\$29.20	\$1.39							
159	421 watt LED Shoebox Black V	43,317	421	147	\$29.20	\$1.39							
163	50 watt LED Shoebox Pedestrian Bronze	3,130	50	17	\$12.91	\$1.39							
164	50 watt LED Shoebox Pedestrian Black	3,130	50	17	\$14.05	\$1.39							
169	150 watt LED Teardrop	8,472	150	52	\$28.54	\$1.39							
181	150 watt LED Sanibel	10,820	150	52	\$21.31	\$1.39							
182	60 watt LED Biscayne	4,655	60	21	\$19.11	\$1.39							
183	150 watt LED Clermont	15,375	150	52	\$29.28	\$1.39							
184	40 watt LED ATBS Roadway, Overhead Feed	4,195	40	14	\$4.57	\$1.39							
185	40 watt LED ATBS Roadway, Underground Feed	4,195	40	14	\$6.06	\$1.39							
186	70 watt LED ATBS Roadway, Overhead Feed	8,200	70	24	\$5.35	\$1.39							
187	70 watt LED ATBS Roadway, Underground Feed	8,200	70	24	\$6.85	\$1.39							
193	50 watt LED Clermont	7,451	50	18	\$26.91	\$1.39							
191	130 watt LED Flood Overhead Feed	13,729	130	46	\$10.57	\$1.39							
194	130 watt LED Flood Underground Feed	13,729	130	46	\$12.06	\$1.39							
192	260 watt LED Flood Overhead Feed	30,238	260	91	\$16.86	\$1.39							
195	260 watt LED Flood Underground Feed	30,238	260	91	\$18.35	\$1.39							
196	70 watt LED Amber Roadway Overhead	4,133	70	25	\$11.28	\$1.39							
197	70 watt LED Amber Roadway Underground	4,133	70	25	\$12.77	\$1.39							
198	110 watt LED Amber Roadway Overhead	5,408	110	39	\$13.55	\$1.39							
199	110 watt LED Amber Roadway Underground	5,408	110	39	\$15.04	\$1.39							
130	50 watt LED Monticello 3000 Kelvin	4,430	50	17.5	\$20.16	\$1.39							
					<b>Pol Rent Rate (8) *</b>								
					<b>1.82%</b>								
452	36ft Aluminum Breakaway Pole				\$43.51								
453	46ft Aluminum Breakaway Pole				\$46.87								
457	46ft OAL Aluminum I-Drive Multi-Use Pole				\$75.92								
442	40ft OAL Conc Static Cast Multi-Use Pole				\$46.18								
443	45ft OAL Conc Static Cast Multi-Use Pole				\$48.73								
451	36ft OAL Aluminum Multi-Use Pole, Brz				\$84.19								
422	36ft OAL Aluminum Fluted Multi-Use Pole				\$117.51								
423	29ft OAL Aluminum Fluted Multi-Use Pole				\$113.25								
424	36ft OAL Aluminum 10" Multi-Use Pole, Blk				\$101.90								
454	35ft OAL Promenade Receptacle Pole, Blk				\$40.22								

Notes:

- Column (1) DEF material (fixture or pole)
- Column (2) DEF photo control
- Column (3) DEF labor to install (fixture or pole)
- Column (4) [REDACTED]
- Column (5) Overhead service wire allocation
- Column (6) [REDACTED]
- Column (7) [REDACTED]
- Column (8) Total installed cost
- Column (F) 1.59% - PEF current approved fixture rate per Lighting Tariff Sheet No. 6.283
- Column (F) 1.82% = DEF current approved pole rate per Lighting Tariff Sheet No. 6.283
- n/a Fleet loader and Design Eng & PM were combined into Supv & Mgmt for 2018



Duke Energy Florida

REDACTED

Docket No. 20190023-EI, Data Request #1

Billing Type/Description	Lumen Output	Wattage	KWH	(F)	Maintenance	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
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## Exhibit C

### DUKE ENERGY FLORIDA Confidentiality Justification Matrix

<b>DOCUMENT/RESPONSES</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
DEF Response to Staff's 1 <sup>st</sup> Data Request, Questions 1 and 3	Bates No. 20190023-DEF-000001: all information in the Columns titled "Luminair", "Photo Control", "Labor", "Fleet Loader", "OH Service Wire", "Design Eng. & PM", "Supv * Mgt" and "total (1-7)" and in rows titled "Column (4)", "Column (6)" and "Column (7)".	§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.  §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.

# **Exhibit D**

## **AFFIDAVIT OF JAMES H. COWLING**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition for Approval of  
Modifications to DEF's Rate Schedule LS-1-  
Lighting Service

Docket No. 20190023-EI

Filed: February 28, 2019

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**AFFIDAVIT OF JAMES H. COWLING 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 James H. Cowling, who being first duly sworn, on oath deposes and says that:

1. My name is James H. Cowling. 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. I am the Director of Outdoor Lighting for Duke Energy. In this role I am responsible for the operations of the Outdoor Lighting Program, including the development of the cost support for rate filings.

3. DEF is seeking confidential classification for portions of DEF's Response to Staff's First Data Request, specifically attachments responsive to questions 1 and 3. 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 First Data Request, questions 1 and 3, contain cost support information for the new poles offered in DEF's tariffs. Specifically, the information contains sensitive business information including negotiated contractual lighting product prices that DEF relied on to develop the tariffs and provide assumptions and justifications for amounts associated with the tariff offerings. DEF analyzed sensitive pricing information provided by third parties offering lighting products to DEF. DEF also negotiated contractual prices to purchase these outdoor lighting products. In order to obtain such product pricing information, however, DEF must be able to assure these competing outdoor lighting providers that sensitive pricing 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 competitive pricing information. Absent such measures, third party providers who otherwise would contract with DEF might decide not to do so if DEF did not keep the pricing of their outdoor lighting products confidential. Without DEF's measures to maintain the confidentiality of sensitive pricing terms negotiated with third parties, the Company's efforts to obtain competitive prices for its lighting product needs could be compromised by lighting competitors changing their position or behavior within the relevant markets.

5. Additionally, the above-referenced attachments contain sensitive pricing information which could adversely impact competitive business interests of third party providers working with DEF to obtain competitively priced outdoor lighting products. DEF has a contractual obligation with these third parties to not disclose the proprietary pricing information negotiated with DEF. Absent such confidentiality measures, third party lighting providers would run the risk that sensitive pricing 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 outdoor lighting providers to competitively negotiate product prices with companies such as DEF could be undermined.

6. Upon receipt of confidential pricing information from third parties 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 pricing information in question has the Company publicly disclosed that information or documents. The Company has treated and continues to treat the pricing information and documents at issue as confidential.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the 26<sup>th</sup> day of February, 2019.

James H. Cowling  
(Signature)

James H. Cowling  
Director of Outdoor Lighting  
Duke Energy  
400 South Tryon  
Charlotte, North Carolina 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 26 day of February, 2019 by JAMES H. COWLING. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

(AFFIX NOTARIAL SEAL)



Katie Jamieson  
(Signature)

Katie Jamieson  
(Printed Name)

NOTARY PUBLIC, STATE OF NC

June 14, 2021  
(Commission Expiration Date)

\_\_\_\_\_  
(Serial Number, If Any)