



Dianne M. Triplett  
Deputy General Counsel

June 18, 2019

**VIA ELECTRONIC FILING**

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

Re: *Duke Energy Florida, LLC's Petition for Limited Proceeding to Approve  
Second Solar Base Rate Adjustment; Docket No. 20190072-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification regarding its Response to Staff's Second Request for Production of Documents (Nos. 3-5). 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 Benjamin Borsch)

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

Thank you for your assistance in this matter. Please feel free to call me at (727) 820-4692 should you have any questions concerning this filing.

Sincerely,

s/ Dianne M. Triplett

Dianne M. Triplett

DMT/mw  
Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Petition for a Limited Proceeding to  
approve Second Solar Base Rate  
Adjustment, by Duke Energy Florida, LLC

Docket No. 20190072-EI

Dated: June 18, 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 its Request for Confidential Classification for the confidential information provided in its Response to Staff’s Second Request for Production of Documents (Nos. 3-5), submitted on June 18, 2019.

In support of this Request, DEF states:

1. Certain information contained in documents provided in DEF’s Response to Staff’s Second Request for Production of Documents (Nos. 3-5), specifically questions 3, 4, and 5, contain information that is “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 unredacted copies 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 versions, the information asserted to be confidential is highlighted 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 the information identified.

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 proprietary, projected long-term natural gas and coal information as well as proprietary economic forecasts received from a third-party. Pursuant to its contract with the third-party provider of this information, DEF is obligated to maintain the confidentiality of this information, and therefore it qualifies for confidential classification. *See* § 366.093(3)(d), F.S.; Affidavit Benjamin M. H. Borsch at ¶ 5. If DEF cannot assure contracting parties that it can maintain the confidentiality of contractual terms, those parties and other similarly situated parties may forego entering contracts with DEF, which would adversely impact DEF’s competitive business interests. *See* § 366.093(3)(e), F.S.; Affidavit Benjamin M. H. Borsch at ¶¶ 4 and 5.

4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Benjamin M. H. Borsch at ¶¶ 5 and 6. The information has not been disclosed to the public, and the Company has treated and continues to

treat the information at issue as confidential. *See id.* 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.

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 18<sup>th</sup> day of June, 2019.

*s/Dianne M. Triplett*

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**CERTIFICATE OF SERVICE**  
**(Docket No. 20190072-EI)**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by electronic mail this 18<sup>th</sup> day of June, 2019, to all parties of record as indicated below.

s/ Dianne M. Triplett  
Attorney

<p>Kurt Schrader Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:kschrade@psc.state.fl.us">kschrade@psc.state.fl.us</a></p> <p>J. Moyle / K. Putnal / I. Waldick 118 N. Gadsden Street Tallahassee, FL 32301 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a> <a href="mailto:kputnal@moylelaw.com">kputnal@moylelaw.com</a></p>	<p>James Brew / Laura Wynn 1025 Thomas Jefferson St., N.W., Ste. 800 W Washington, DC 20007-5201 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:law@smxblaw.com">law@smxblaw.com</a></p> <p>J.R. Kelly / Charles Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 West Madison St., Rm. 812 Tallahassee, FL 32399-1400 <a href="mailto:kelly.jr@leg.state.fl.us">kelly.jr@leg.state.fl.us</a> <a href="mailto:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a></p>
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# **Exhibit A**

**“CONFIDENTIAL”**

**(Submitted under separate cover)**

# **Exhibit B**

**REDACTED**

# REDACTED

Documents bearing bates numbers 20190072-DEF-000059 through 20190072-DEF-000068 are redacted in their entirety.



# REDACTED

Documents bearing bates numbers 20190072-DEF-000007 through 20190072-DEF-000058 are redacted in their entirety.

# REDACTED

Documents bearing bates numbers 20190072-DEF-000059 through 20190072-DEF-000068 are redacted in their entirety.

# REDACTED

Documents bearing bates numbers 20190072-DEF-000007 through 20190072-DEF-000058 are redacted in their entirety.

## Exhibit C

### DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Response to Staff's 2 <sup>nd</sup> Request for Production (Nos. 3-5)	<p><b>Question 3:</b> all information on the documents bearing bates numbers-20190072-DEF-000059 through 20190072-DEF-000068 in their entirety.</p> <p><b>Question 5:</b> all information on documents bearing bates numbers -20190072-DEF-000007 through 20190072-DEF- 000058 in their entirety.</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>

**Exhibit D**  
**AFFIDAVIT OF**  
**BENJAMIN BORSCH**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Duke Energy Florida, LLC's Petition  
for a Limited Proceeding to approve Second Solar  
Base Rate Adjustment.

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Docket No. 20190072-EI

Dated: June 18, 2019

**AFFIDAVIT OF BENJAMIN BORSCH IN SUPPORT OF  
DUKE ENERGY FLORIDA'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Benjamin Borsch. 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 "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Director of IRP & Analytics. This section is responsible for resource planning for DEF.

3. As the Director of IRP & Analytics, I am responsible, along with the other members of the section, for the resource planning process in an integrated approach in order to find the most cost-effective alternatives to meet the Company's obligation to serve its customers in Florida.

4. DEF is seeking confidential classification for certain information provided in the documents provided in response to Staff's Second Set of Interrogatories (Nos. 3-5), specifically questions 3, 4, and 5 submitted on June 18, 2019. The confidential information at issue is contained in confidential Exhibit A to DEF's Request and is outlined in DEF's Justification Matrix that is attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains confidential proprietary sensitive business information, the disclosure of which would impair the Company's competitive business interests and efforts to contract for goods or services on favorable terms.

5. The confidential information at issue relates to proprietary long-term Natural Gas and Coal information received from a third-party. Pursuant to its contract with the third-party provider of this information, DEF is obligated to maintain the confidentiality of this information. DEF must be able to assure third-parties that confidential proprietary sensitive business information will be kept confidential. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed the confidential information. Without DEF's measures to maintain the confidentiality of sensitive business information, the Company's efforts to obtain competitive gas prices could be undermined, because third parties could simply offer the highest prices against the disclosed information.

6. Upon receipt of its own confidential information, strict procedures are established and followed to maintain the confidentiality of the 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 contracts. At no time since receiving the information in question has the Company publicly disclosed

that information. The Company has treated and continues to treat the information at issue as confidential.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the 14<sup>th</sup> day of June, 2019.



Benjamin Borsch  
Director  
IRP & Analytics  
Duke Energy Florida, LLC  
St. Petersburg, FL

14<sup>th</sup> THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 14<sup>th</sup> day of June, 2019 by Benjamin Borsch. He is personally known to me or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.



(Signature)

Monique WEST

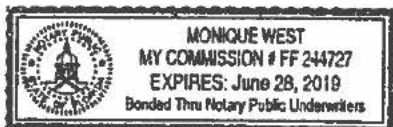
(Printed Name)

NOTARY PUBLIC, STATE OF Florida

June 28, 2019

(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



(Serial Number, If Any)