



Matthew R. Bernier
ASSOCIATE GENERAL COUNSEL

August 7, 2019

VIA ELECTRONIC FILING

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

Re: *Commission Review of Numeric Conservation Goals (Duke Energy Florida, LLC); Docket 20190018-EG*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC (DEF), DEF's Request for Confidential Classification of certain information provided in DEF's Response to Staff's Eleventh Set of Interrogatories (Nos. 119-122), in the above-referenced docket. The filing includes the following:

- Exhibit A (slipsheet only);
- Exhibit B (two copies);
- Exhibit C (justification matrix); and
- Exhibit D (Affidavit of Lori Cross).

DEF's confidential Exhibit A, for the above-referenced filing was provided on July 29, 2019 (document number 06111-2019), under separate cover.

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/cmkn
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric
Conservation Goals (Duke Energy
Florida, LLC).

Docket No. 20190018-EG

Filed: August 7, 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 of the Florida Public Service Commission’s (“Staff”) Eleventh Set of Interrogatories (Nos. 119-122), served on July 26, 2019, concurrently 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:

Information provided in DEF’s Response to Staff’s Eleventh Set of Interrogatories (Nos. 119-122), specifically, the answers provided in Question 119(a) and (b), contains “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

1. 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 July 26, 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 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.

2. 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 answers provided in Question 119(a) and (b), contain confidential proprietary business information relating to consultant fees and external legal fees. The disclosure of that information to the public would adversely impact DEF and third-party vendors’ competitive business interests. *See* § 366.093(3)(e), F.S.; Affidavit of Lori Cross at ¶ 4. 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.

3. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Lori Cross at ¶ 5. The information has not been disclosed to the public, and the Company and third-party vendors have treated and continues to treat this information as confidential. *Id.*

4. 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 remains 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 7th day of August, 2019.

/s/ Matthew R. Bernier

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CERTIFICATE OF SERVICE
(Dkt. No. 20190018-EG)

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by electronic mail this 7th day of August, 2019, to all parties of record as indicated below.

/s/ Matthew R. Bernier

Attorney

<p>Charles Murphy / Margo DuVal / Andrew King Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 cmurphy@psc.state.fl.us mduval@psc.state.fl.us aking@psc.state.fl.us</p> <p>J. R. Kelly / P. Christensen / T. David / A. Fall-Fry Office of Public Counsel c/o The Florida Legislature 111 West Madison St., Rm. 812 Tallahassee, FL 32399 kelly.jr@leg.state.fl.us christensen.patty@leg.state.fl.us david.tad@leg.state.fl.us fall-fry.mireille@leg.state.fl.us</p> <p>B. Marshall / B. Malloy / J. Luebkekmann Earthjustice 111 S. Martin Luther King Blvd. Tallahassee, FL 32301 bmarshall@earthjustice.org bmalley@earthjustice.org jluebkekmann@earthjustice.org</p> <p>George Cavros SACE 120 E. Oakland Park Blvd., Ste. 105 Fort Lauderdale, FL 33334 george@cleanenergy.org</p>	<p>Joan Matthews / Allan Charles FDACS – Office of General Counsel 407 S. Calhoun St., Ste. 520 Tallahassee, FL 32399-0800 joan.matthews@freshfromflorida.com allan.charles@freshfromflorida.com</p> <p>Stephanie Eaton 110 Oakwood Dr., Ste. 500 Winston-Salem, NC 27103 seaton@spilmanlaw.com</p> <p>Derrick Williamson / Barry Naum 1100 Bent Creek Blvd., Ste. 101 Mechanicsburg, PA 17050 dwilliamson@spilmanlaw.com bnaum@spilmanlaw.com</p> <p>James Brew / Laura Wynn 1025 Thomas Jefferson St., N.W., Ste. 800W Washington, D.C. 20007-5201 jbrew@smxblaw.com law@smxblaw.com</p> <p>J. Moyle / K. Putnal / I. Waldick 118 N. Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com kputnal@moylelaw.com iwaldick@moylelaw.com</p>
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Exhibit A

CONFIDENTIAL

**FILED ON JULY 29, 2019,
UNDER SEPARATE COVER**

Exhibit B

REDACTED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric
Conservation Goals (Duke Energy
Florida, LLC).

Docket No. 20190018-EG

Filed: July 26, 2019

**DUKE ENERGY FLORIDA, LLC'S RESPONSE TO
STAFF'S ELEVENTH SET OF INTERROGATORIES (NOS. 119-122)**

Duke Energy Florida, LLC ("DEF") responds to the Staff of the Florida Public Service Commission's ("Staff") Eleventh Set of Interrogatories to DEF (Nos. 119-122) as follows:

INTERROGATORIES

119. Please answer the following questions regarding the Company's expenses for participation in the FEECA Goalsetting proceeding:
- a. What is the Company's actual expenses as of the filing of the Rebuttal Testimony, in total and by category, such as consultant fees, legal expenses, and salaries?
 - b. What is the Company's estimated expenses for the full FEECA Goalsetting proceeding, in total and by category, such as consultant fees, legal expenses, and salaries?
 - c. Does the Utility intend to recover expenses associated with the FEECA Goalsetting proceeding? If so, explain how. If not, explain why not.

Answer:

- a. DEF does not track internal labor associated with the demand side management programs by project and therefore, cannot provide the internal salary expenses associated with the FEECA Goalsetting proceeding.

DEF's costs for consulting fees and external legal fees as of the filing of Rebuttal were:

Consultant Fees **CONFIDENTIAL** [REDACTED]

External Legal Fees **CONFIDENTIAL** [REDACTED]

- b. DEF's estimate for consulting fees and external legal fees for the full goal setting proceeding are as follows:

Consultant Fees **CONFIDENTIAL** [REDACTED]

External Legal Fees **CONFIDENTIAL** [REDACTED]

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric Conservation Goals (Duke Energy Florida, LLC).

Docket No. 20190018-EG

Filed: July 26, 2019

DUKE ENERGY FLORIDA, LLC'S RESPONSE TO STAFF'S ELEVENTH SET OF INTERROGATORIES (NOS. 119-122)

Duke Energy Florida, LLC ("DEF") responds to the Staff of the Florida Public Service Commission's ("Staff") Eleventh Set of Interrogatories to DEF (Nos. 119-122) as follows:

INTERROGATORIES

119. Please answer the following questions regarding the Company's expenses for participation in the FEECA Goalsetting proceeding:
- a. What is the Company's actual expenses as of the filing of the Rebuttal Testimony, in total and by category, such as consultant fees, legal expenses, and salaries?
 - b. What is the Company's estimated expenses for the full FEECA Goalsetting proceeding, in total and by category, such as consultant fees, legal expenses, and salaries?
 - c. Does the Utility intend to recover expenses associated with the FEECA Goalsetting proceeding? If so, explain how. If not, explain why not.

Answer:

- a. DEF does not track internal labor associated with the demand side management programs by project and therefore, cannot provide the internal salary expenses associated with the FEECA Goalsetting proceeding.

DEF's costs for consulting fees and external legal fees as of the filing of Rebuttal were:

Consultant Fees **CONFIDENTIAL** [REDACTED]

External Legal Fees **CONFIDENTIAL** [REDACTED]

- b. DEF's estimate for consulting fees and external legal fees for the full goal setting proceeding are as follows:

Consultant Fees **CONFIDENTIAL** [REDACTED]

External Legal Fees **CONFIDENTIAL** [REDACTED]

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Response to Staff's 11 th Set of Interrogatories (Nos. 119-122), specifically Questions 119(a) and (b)	Questions 119(a) and (b): the dollar figures contained in the answers in their entirety.	§366.093(3)(e), F.S. The document in question contains confidential information--the disclosure of which would impair DEF's competitive interests; the disclosure would impair the competitive business.

Exhibit D

AFFIDAVIT OF LORI CROSS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric
Conservation Goals (Duke Energy
Florida, LLC).

Docket No. 20190018-EG

Filed: August 7, 2019

**AFFIDAVIT OF LORI CROSS 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 Lori Cross, who being first duly sworn, on oath deposes and says that:

1. My name is Lori Cross. 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 Strategy and Collaboration Director in the Customer Planning and Analytics Department.

3. As the Collaboration Director in the Customer Planning and Analytics Department, I am responsible for regulatory planning, support and compliance of the

Company's Demand-Side Management ("DSM") programs. This includes support for development, implementation and training, budgeting, and accounting functions related to these programs. By DSM, I mean both dispatchable (demand response or direct load control) and non-dispatchable (energy efficiency) types of programs.

4. DEF is seeking confidential classification for a portion of DEF's Response to Staff's Eleventh Set of Interrogatories (Nos. 119-122), specifically questions 119(a) and (b), served on July 26, 2019, in this docket. The confidential information at issue is contained in confidential Exhibit A provided with DEF's Notice of Intent to Request Confidential Classification provided on July 26, 2019 and is outlined in DEF's Justification Matrix attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains confidential proprietary business information relating to consultant fees and external legal fees. The disclosure of that information to the public would adversely impact DEF and third-party vendors' competitive business interests.

5. Upon receipt of confidential information from third parties, 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 contracts. At no time since receiving the contracts and information in question has the Company publicly disclosed that information or contracts. The Company has treated and continues to treat the information and contracts at issue as confidential.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the 7th day of Aug., 2019.

Lori G. Cross

(Signature)

Lori Cross

Strategy and Collaboration Director in the
Customer Planning and Analytics

Department

Duke Energy Florida, LLC

299 First Avenue North

St. Petersburg, Florida 33701

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this
7 day of August, 2019, by Lori Cross. She is personally known to me.

[Signature]

(Signature)

(Printed Name)

NOTARY PUBLIC, STATE OF FLORIDA

(AFFIX NOTARIAL SEAL)

(Commission Expiration Date)

(Serial Number, If Any)

