



Dianne M. Triplett
Deputy General Counsel

November 4, 2020

VIA ELECTRONIC FILING

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

Re: *Petition for a limited proceeding to approve Clean Energy Connection Program and Tariff and Stipulation by Duke Energy Florida, LLC; Docket No. 20200176-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification for certain information provided in response to The League of United Latin American Citizens' ("LULAC") Second Set of Interrogatories (Nos. 9-25), specifically, the document in response to question number 17 bearing Bates label 20FL-CEC-001988. 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 was submitted with DEF's Notice of Intent to Request Confidential Classification on October 14, 2020, under separate cover (DN 11200-2020).

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.

Respectfully,

/s/ Dianne M. Triplett

Dianne M. Triplett

DMT/cmw
Enclosure

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a limited proceeding to approve
Clean Energy Connection Program and Tariff and
Stipulation by Duke Energy Florida, LLC

Docket No. 20200176-EI

Filed: November 4, 2020

**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 LULAC’s Second Set of Interrogatories (Nos. 9-25), specifically, the document provided in response to question number 17 bearing Bates label 20FL-CEC-001988. This Request is timely. *See* Rule 25-22.006(3)(a)1, F.A.C. In support of this Request, DEF states:

DEF’s response to LULAC’s Second Set of Interrogatories (Nos. 9-25) contains “proprietary confidential business information” under § 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 October 14, 2020. 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 § 366.093(3), F.S. The information at issue is in DEF’s response to LULAC’s Second Set of Interrogatories (Nos. 9-25), specifically, the document provided in response to question number 17 bearing Bates label 20FL-CEC-001988, contains confidential proprietary business information relating to DEF’s contractual obligations with counterparties, the disclosure of which would violate the contractual obligation between DEF and certain counterparties that DEF is obligated to keep confidential and would harm its competitive business interest and ability to contract for goods or services on favorable terms if it were disclosed to the public *See* §§ 366.093(3)(d) & (e), F.S.; Affidavit of Benjamin Borsch at ¶¶ 3 and 4. Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to § 366.093(1), F.S.

3. In order to contract with counterparties on favorable terms, DEF must keep contractual obligations with counterparties confidential, the disclosure of which would be to the detriment of DEF and its customers. Additionally, the disclosure of confidential contractual information between DEF and a counterparty could adversely impact DEF’s competitive business interests. If such information was disclosed to DEF’s competitors, DEF’s efforts to obtain competitive contracts that add economic value to both DEF and its customers could be undermined. *See* Affidavit of Borsch at ¶¶ 3 and 4. *Id.*

4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Borsch at ¶¶ 4 and 5. The information has not been disclosed to the public, and the Company and counterparties have treated and continue to treat this information as confidential. *Id.*

5. DEF requests that the information identified in Exhibit A be classified as “proprietary confidential business information” within the meaning of § 366.093(3), F.S., that the information remains confidential for a period of at least 18 months as provided in § 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 4th day of November 2020.

Respectfully submitted,

/s/ Dianne M. Triplett

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CERTIFICATE OF SERVICE

Docket No. 20200176-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 4th day of November, 2020.

/s/ Dianne M. Triplett

Attorney

<p>Bianca Lherisson / Shaw Stiller Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 blheriss@psc.state.fl.us sstiller@psc.state.fl.us</p> <p>Bradley Marshall / Jordan Luebke Earthjustice 111 S. Martin Luther King Jr. Blvd. Tallahassee, FL 32301 bmarshall@earthjustice.org jluebke@earthjustice.org</p> <p>Dominique Burkhardt Earthjustice 4500 Biscayne Blvd., Ste. 201 Miami, FL 33137 dburkhardt@earthjustice.org flcaseupdates@earthjustice.org</p> <p>Katie C. Ottenweller 838 Barton Woods Rd., NE Atlanta, GA 30307 katie@votesolar.org</p> <p>George Cavros 120 E. Oakland Park Blvd., Ste. 105 Ft. Lauderdale, FL 33334 george@cavros-law.com</p>	<p>J.R. Kelly / Charles Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 kelly.jr@leg.state.fl.us rehwinkel.charles@leg.state.fl.us</p> <p>Jon C. Moyle, Jr. / Karen A. Putnal 118 N. Gadsden St. Tallahassee, FL 32301 jmoyle@moylelaw.com kputnal@moylelaw.com mqualls@moylelaw.com</p> <p>Stephanie U. Eaton 110 Oakwood Dr., Ste. 500 Winston-Salem, NC 27103 seaton@spilmanlaw.com</p> <p>Derrick P. Williamson / Barry A. Naum 1100 Bent Creek Blvd., Ste. 101 Mechanicsburg, PA 17050 dwilliamson@spilmanlaw.com bnaum@spilmanlaw.com</p>
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Exhibit A

CONFIDENTIAL
FILED on October 14, 2020
under separate cover

Exhibit B
(Two Copies)

REDACTED

**DUKE ENERGY FLORIDA
Confidentiality Justification Matrix**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF's response to LULAC's Second Set of Interrogatories of Documents (Nos. 9-25).</p>	<p><u>Response to Question 17:</u> The information on Bates label 20FL-CEC-001988, located under the 2 subcolumns titled, "Solar Revenue Requirements" is confidential in its entirety.</p> <p>The information on Bates label 20FL-CEC-001988, located under the subcolumn titled, "Solar Revenue Requirements Avoided" is confidential in its 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, contractual information, or information provided by a third party that DEF is obligated to keep confidential, the disclosure of which would harm its competitive business interests</p>

Exhibit D

AFFIDAVIT OF BENJAMIN BORSCH

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a limited proceeding to approve
Clean Energy Connection Program and Tariff and
Stipulation by Duke Energy Florida, LLC

Docket No. 20200176-EI
Filed: November 4, 2020

**AFFIDAVIT OF BENJAMIN BORSCH IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'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 in DEF's Florida Customer Delivery organization and direct 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. I also oversee the completion of the Company's Ten-Year Site Plan ("TYSP") filed each April.

3. DEF is seeking confidential classification for certain information contained in DEF's Response to LULAC's Second Set of Interrogatories of Documents (Nos. 9-25). Specifically, in DEF's response to question number 17, as it contains confidential proprietary business information relating to contractual obligations with counterparties, the disclosure of which would violate the contractual obligation between DEF and counterparties, that DEF is obligated to keep confidential, and would harm its competitive business interest and ability to contract for goods or services on favorable terms. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive contracts that add economic value to both DEF and its customers could be undermined.

4. The confidential information at issue is contained in confidential Exhibit A attached to this Request and is outlined in DEF's Justification Matrix that is attached as Exhibit C. DEF is requesting confidential classification of this information because the disclosure of that information to the public would adversely impact DEF's competitive business interests and would harm its competitive business interest and ability to contract for goods or services on favorable terms.

5. Strict procedures are established and followed to maintain the confidentiality of the Company's confidential business information relating to DEF's budgeted information and contractual obligations with counterparties, which includes restricting access to those persons who need the information to assist the Company, and restricting the number of, and access to the information. At no time since receiving the information in question has the Company publicly disclosed that information. The Company and counterparties have treated and continues to treat the information at issue as confidential.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated this _____ day of _____, 2020.

(Signature)

Benjamin Borsch
Director of IRP & Analytics
Florida Customer Delivery Organization
Duke Energy
299 1st Avenue North
St. Petersburg, FL 33701

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ___ day of _____ 2020 by Benjamin Borsch. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.

(Signature)

(AFFIX NOTARIAL SEAL)

(Printed Name)

NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)