



Matthew R. Bernier
Associate General Counsel
Duke Energy Florida, LLC.

November 20, 2018

VIA ELECTRONIC FILING

Ms. Carlotta Stauffer, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: *Fuel and purchased power cost recovery clause with generating performance incentive factor;*
Docket No. 20180001-EI

Dear Ms. Stauffer:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification filed in connection with its response to OPC's Second Set of Interrogatories (Nos. 11-14), specifically question 12. 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 Jeffrey Swartz)

DEF's confidential Exhibit A that accompanies the above-referenced filing was submitted with DEF's Notice of Intent to Request Confidential Classification on November 1, 2018.

Thank you for your assistance in this matter. Please feel free to call me at (850) 521-1428 should you have any questions concerning this filing.

Respectfully,

s/Matthew R. Bernier

Matthew R. Bernier

MRB/mw
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating performance
incentive factor.

Docket No. 20180001-EI

Dated: November 20, 2018

**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 its response to Office of Public Counsel’s (“OPC”) Second Set of Interrogatories (Nos. 11-14), served in docket no. 20170001-EI. The confidential documents were submitted in docket no. 20180001-EI on November 1, 2018 with DEF’s Notice of Intent to Request Confidential Classification. The request is timely. *See* Rule 25-22.006(3)(a)1, F.A.C. In support of this Request, DEF states:

1. DEF’s response to OPC’s Second Set of Interrogatories (Nos. 11-14), specifically question 12, contains 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 was submitted separately in a sealed envelope labeled “CONFIDENTIAL” on November 1, 2018 (document no. 06961-2018) In the unredacted versions, 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.

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 is a settlement agreement, the terms of which require both DEF and its counterparty to maintain its confidentiality; therefore the agreement qualifies as proprietary and confidential business information. *See* § 366.093(3)(d), F.S.; Affidavit of Jeffrey Swartz at ¶ 5. If DEF is unable to protect information deemed confidential by it and its counterparties from public disclosure, its ability to negotiate favorable terms and conditions would be severely limited, thereby impairing the Company’s competitive business interests and the interests of its customers. *See id.* Moreover, certain information in the agreement is proprietary to a third party and DEF’s disclosure of that information would impact DEF’s ability to contract for goods and services on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Jeffrey Swartz, 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.

4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Jeffrey Swartz at ¶ 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* Affidavit of Jeffrey Swartz at ¶ 6.

5. 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 20th day of November, 2018.

s/Matthew R. Bernier

DIANNE M. TRIPLETT

Deputy General Counsel

299 First Avenue North

St. Petersburg, FL 33701

T: 727-820-4692

F: 727-820-5041

Email: Dianne.Triplett@duke-energy.com

MATTHEW R. BERNIER

Associate General Counsel

106 East College Avenue, Suite 800

Tallahassee, Florida 32301

T: 850-521-1428

F: 727-820-5519

Email: Matthew.Bernier@duke-energy.com

Attorneys for Duke Energy Florida, LLC

Duke Energy Florida, LLC
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via email this 20th day of November, 2018 to all parties of record as indicated below.

s/Matthew R. Bernier
Attorney

<p>Suzanne Brownless / Johana Nieves Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us jnieves@psc.state.fl.us</p> <p>James Beasley / J. Jeffrey Wahlen Ausley McMullen P.O. Box 391 Tallahassee, FL 32302 jbeasley@ausley.com jwahlen@ausley.com</p> <p>Russell Badders / Steven Griffin Beggs & Lane P.O. Box 12950 Pensacola, FL 32591 rab@beggslane.com srg@beggslane.com</p> <p>Kenneth A. Hoffman Florida Power & Light Company 215 S. Monroe Street, Suite 810 Tallahassee, FL 32301-1858 kenhoffman@fpl.com</p> <p>C. Shane Boyett / Jeffrey A. Stone Gulf Power Company One Energy Place Pensacola, FL 32520 csboyett@southernco.com jastone@southernco.com</p> <p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com</p> <p>Beth Keating Gunster, Yoakley & Stewart, P.A. 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 bkeating@gunster.com</p>	<p>Charles Rehwinkel / J.R. Kelly / Patricia Christensen 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 christensen.patty@leg.state.fl.us rehwinkel.charles@leg.state.fl.us</p> <p>Ms. Paula K. Brown Regulatory Affairs Tampa Electric Company P.O. Box 111 Tampa, FL 33601-0111 regdept@tecoenergy.com</p> <p>John Butler / Maria Moncada Florida Power & Light Company 700 Universe Blvd (LAW/JB) Juno Beach, FL 33408-0420 john.butler@fpl.com maria.moncada@fpl.com</p> <p>James Brew / Laura Wynn Stone Law Firm 1025 Thomas Jefferson St., N.W. Suite 800 West Washington, DC 20007 jbrew@smxblaw.com law@smxblaw.com</p> <p>Robert Scheffel Wright / John T. LaVia, III c/o Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p> <p>Mike Cassel Florida Public Utilities Company 1750 S. 14th Street, Suite 200 Fernandina Beach, FL 32034 mcassel@fpuc.com</p>
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Exhibit A

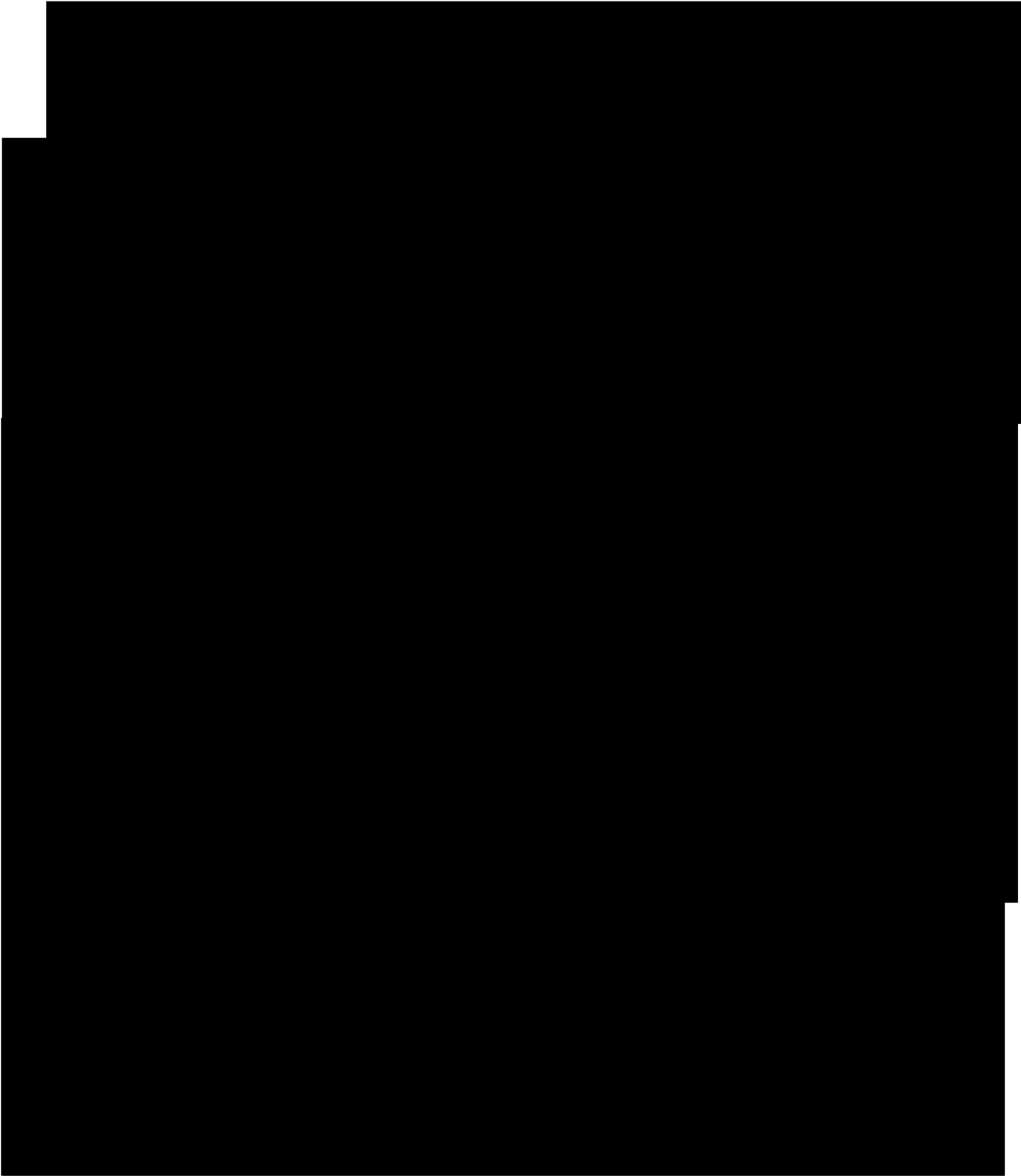
“CONFIDENTIAL”

submitted under separate cover on November 1, 2018
DN 06961-2018

Exhibit B

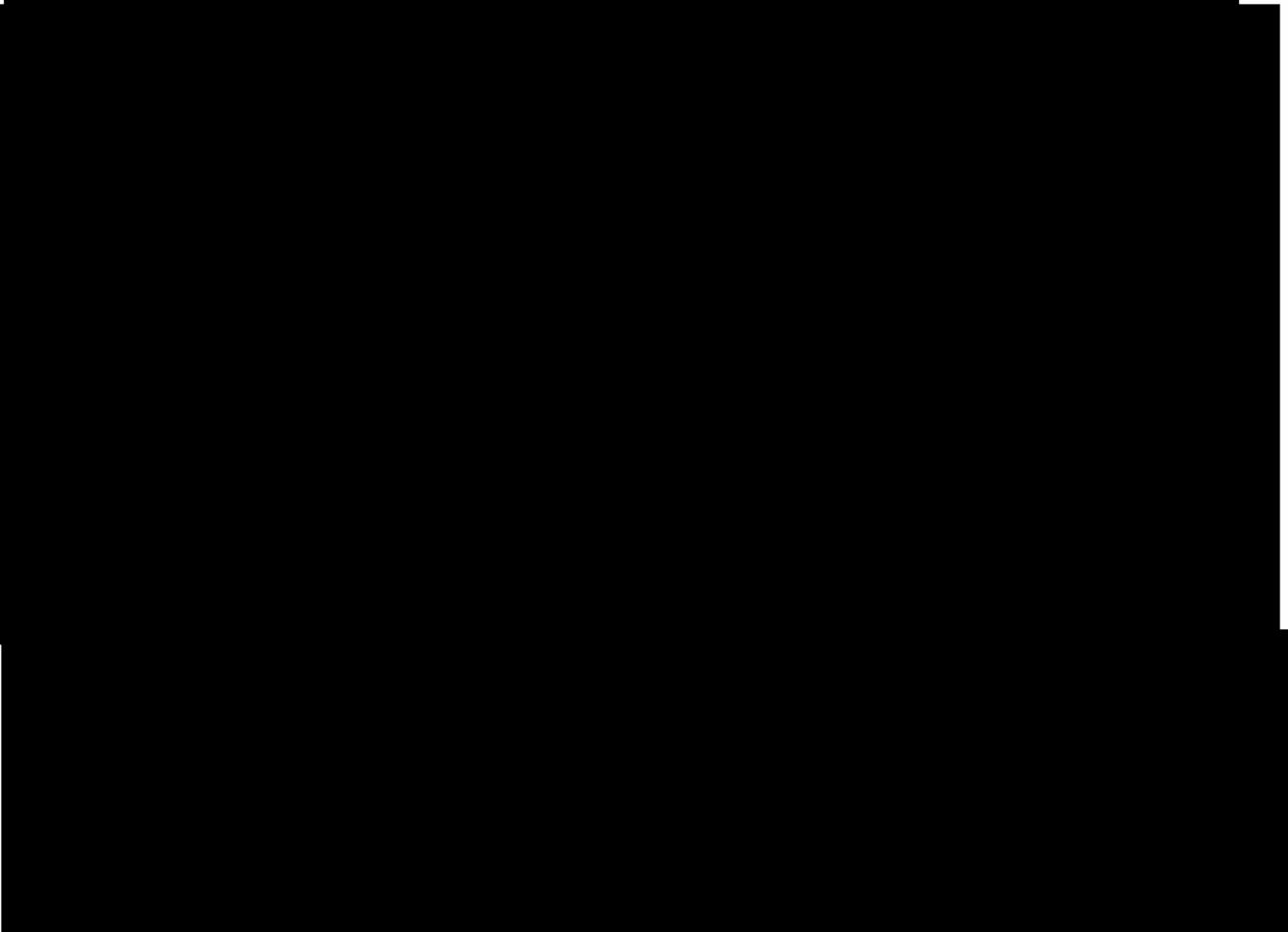
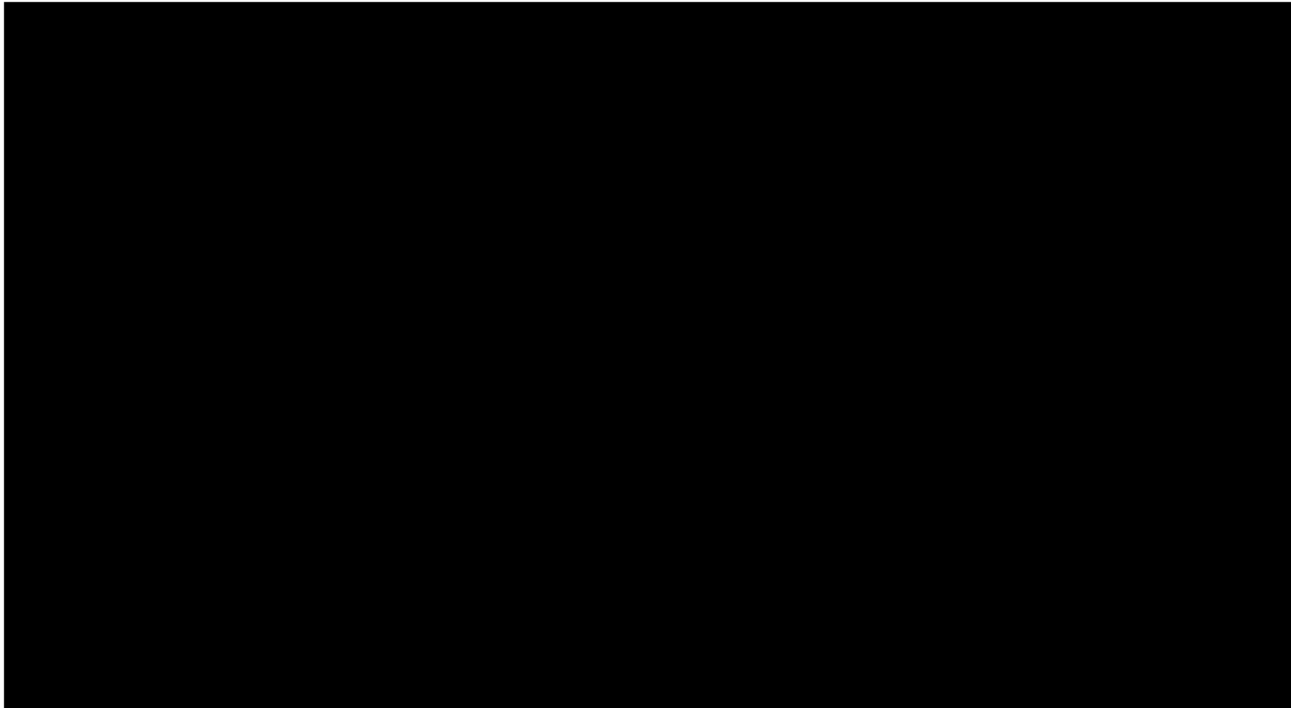
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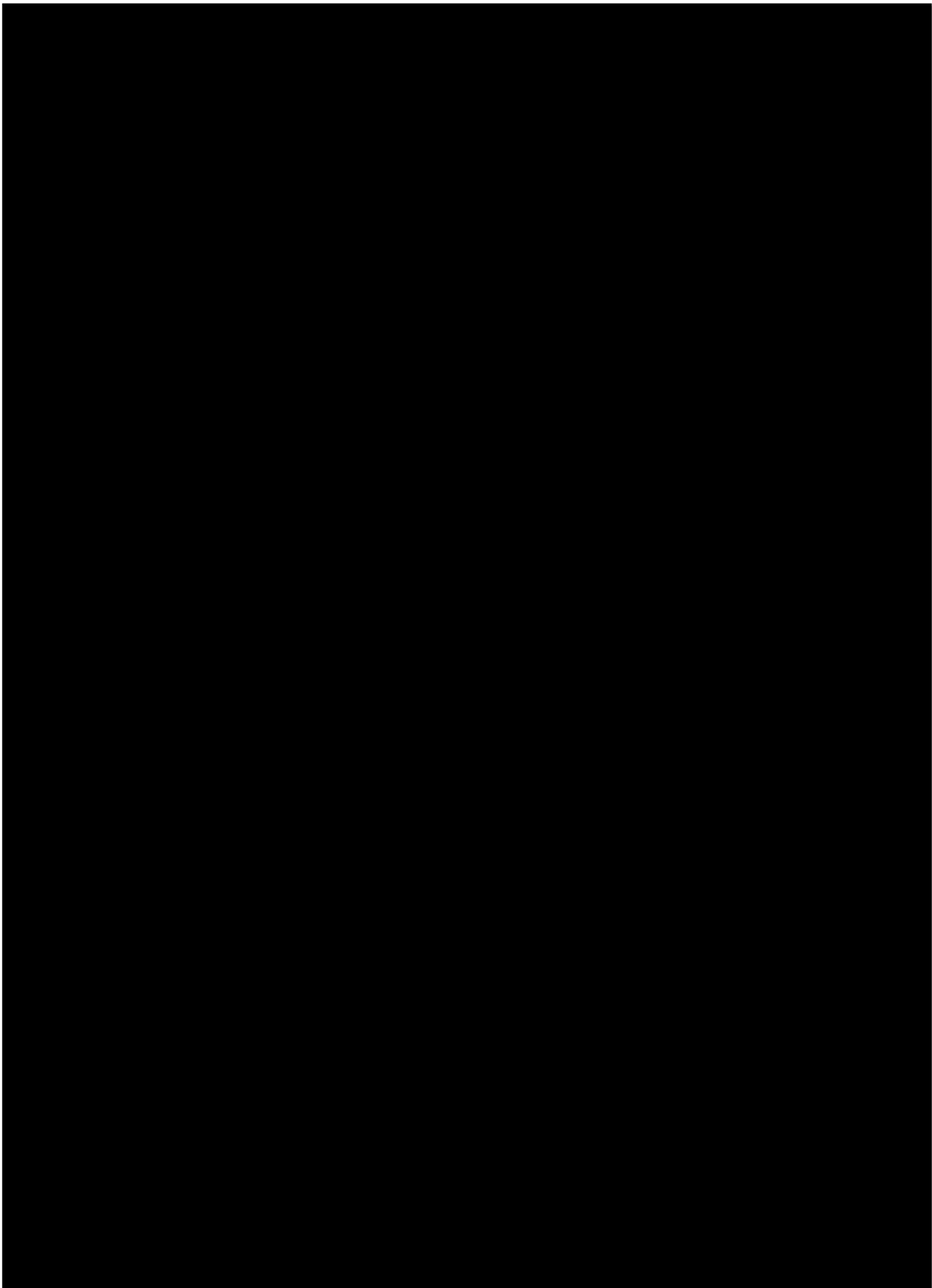


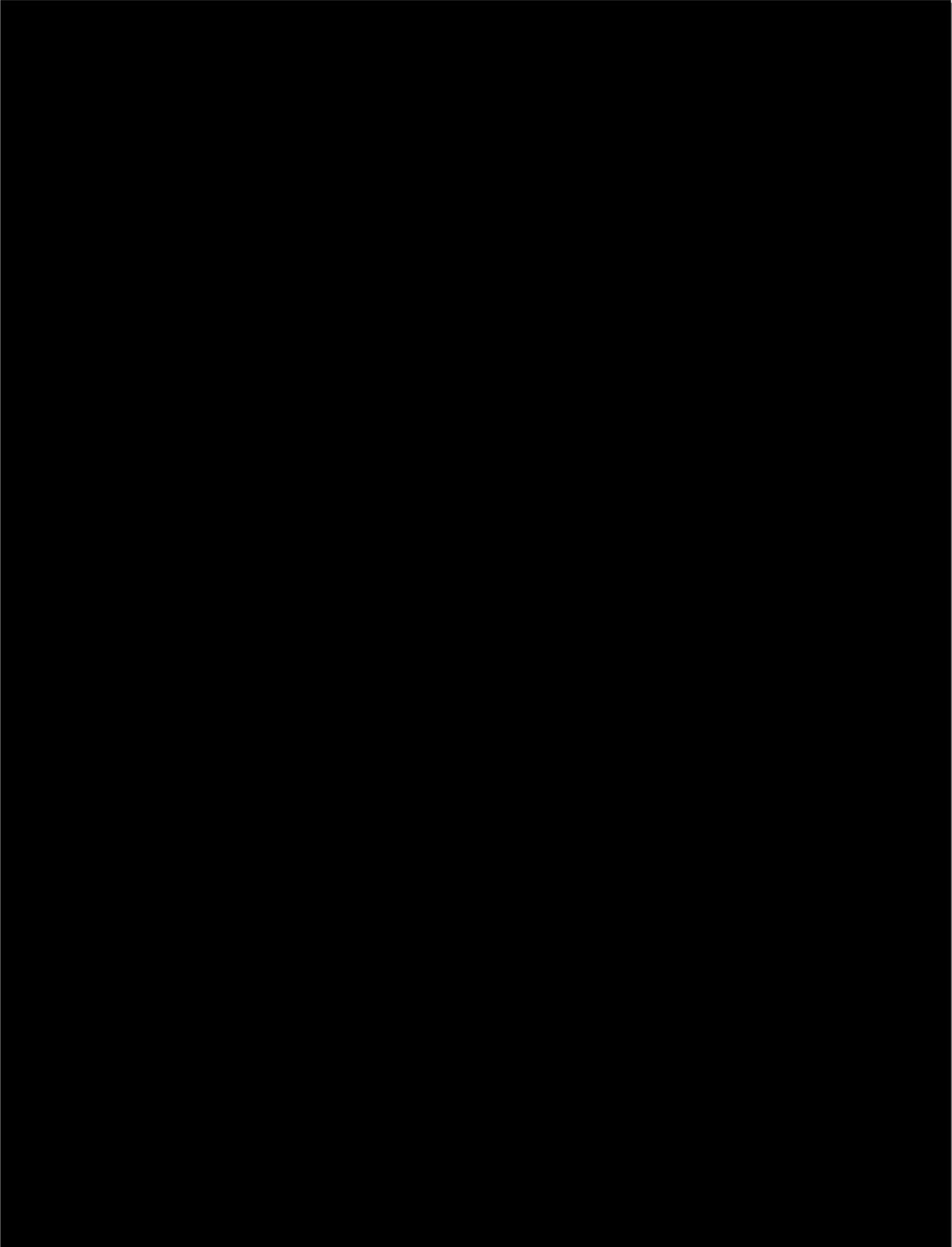


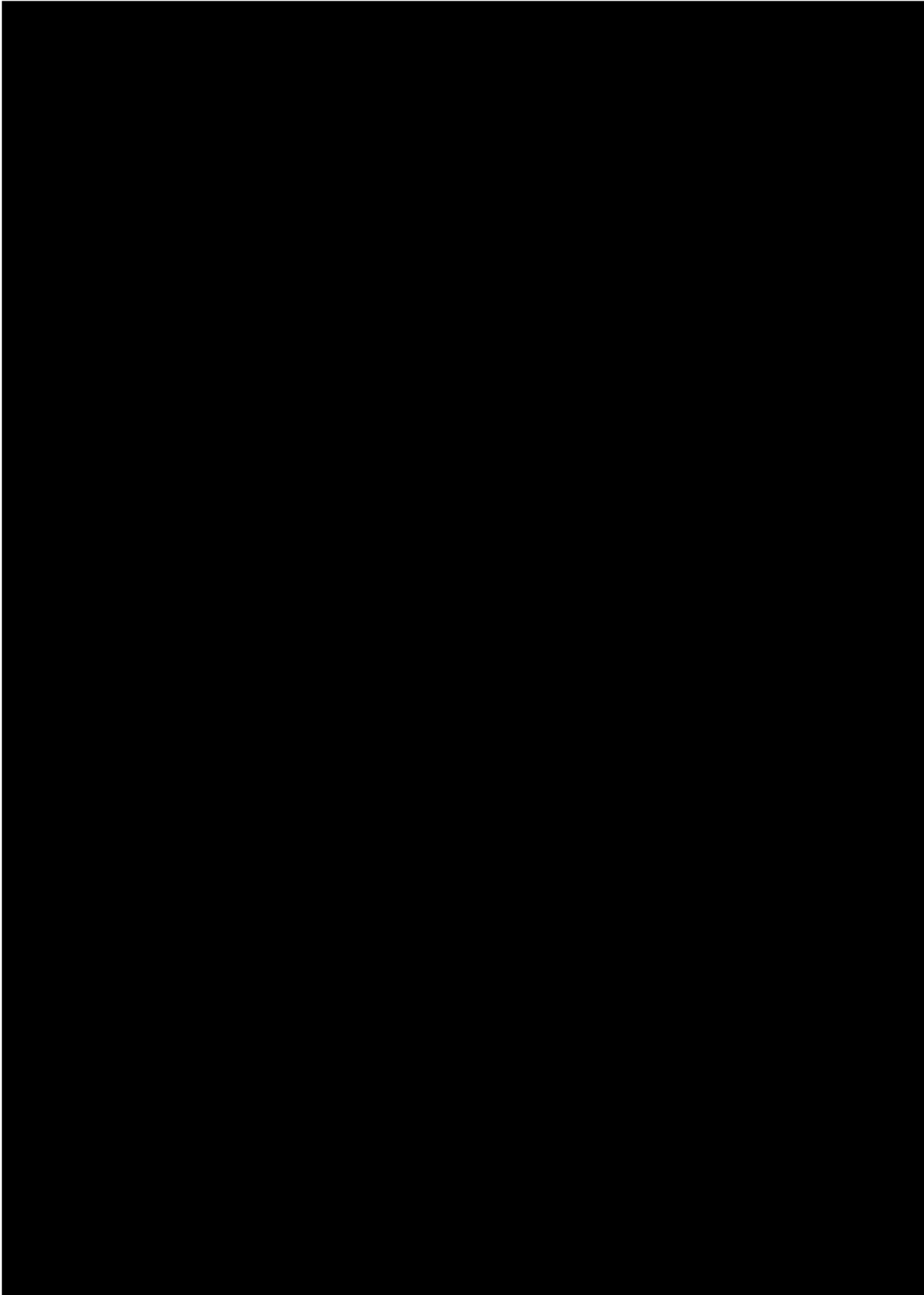


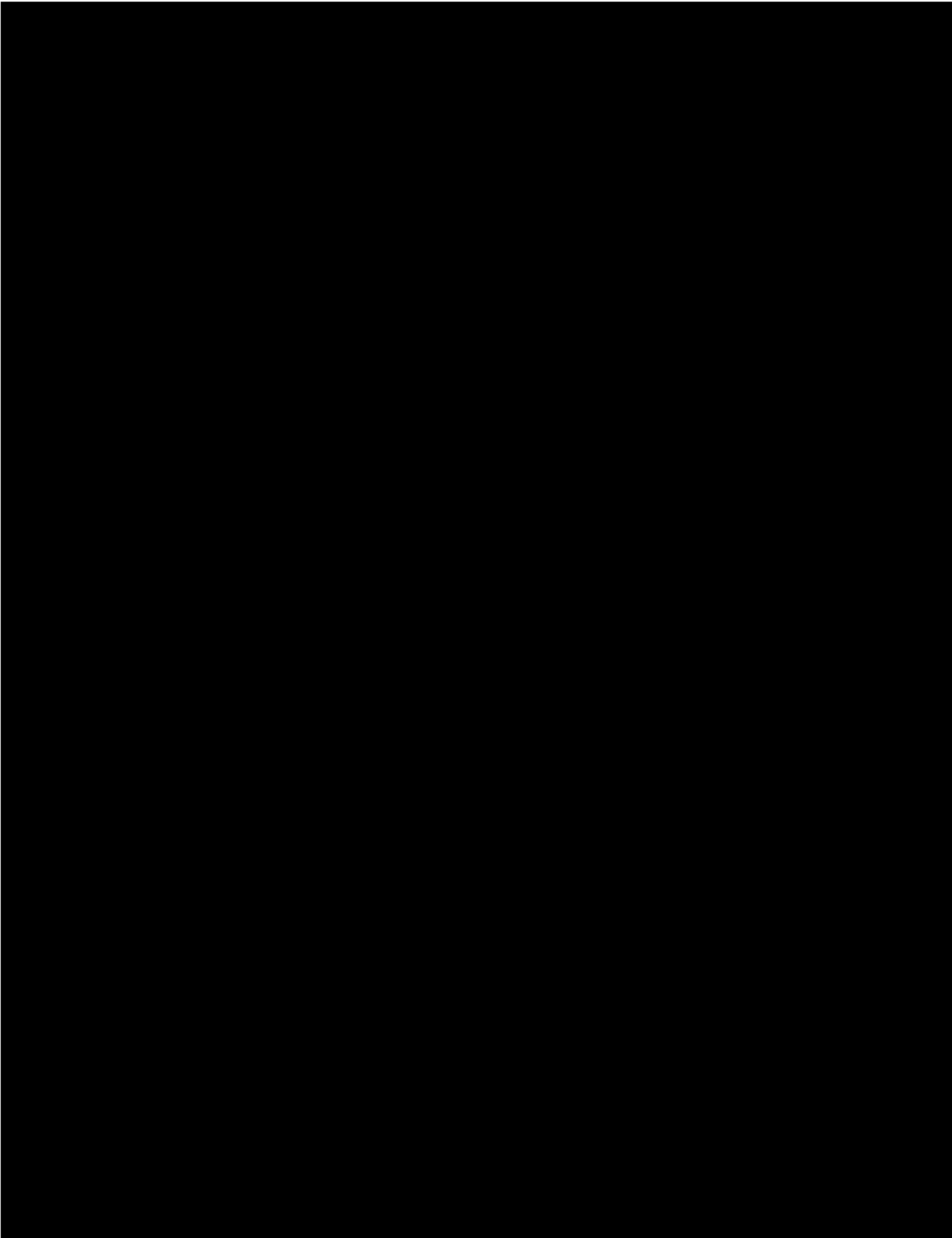
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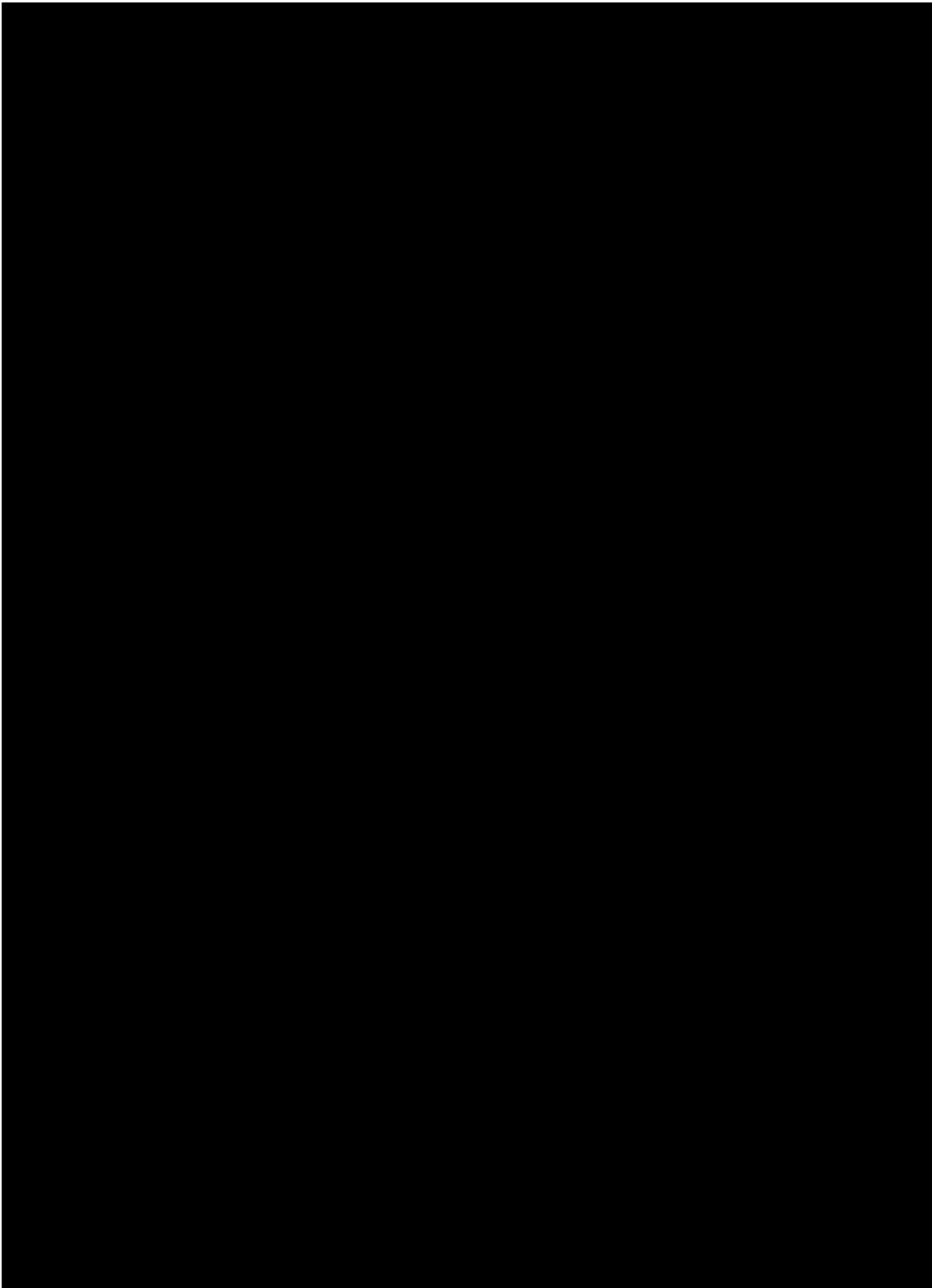




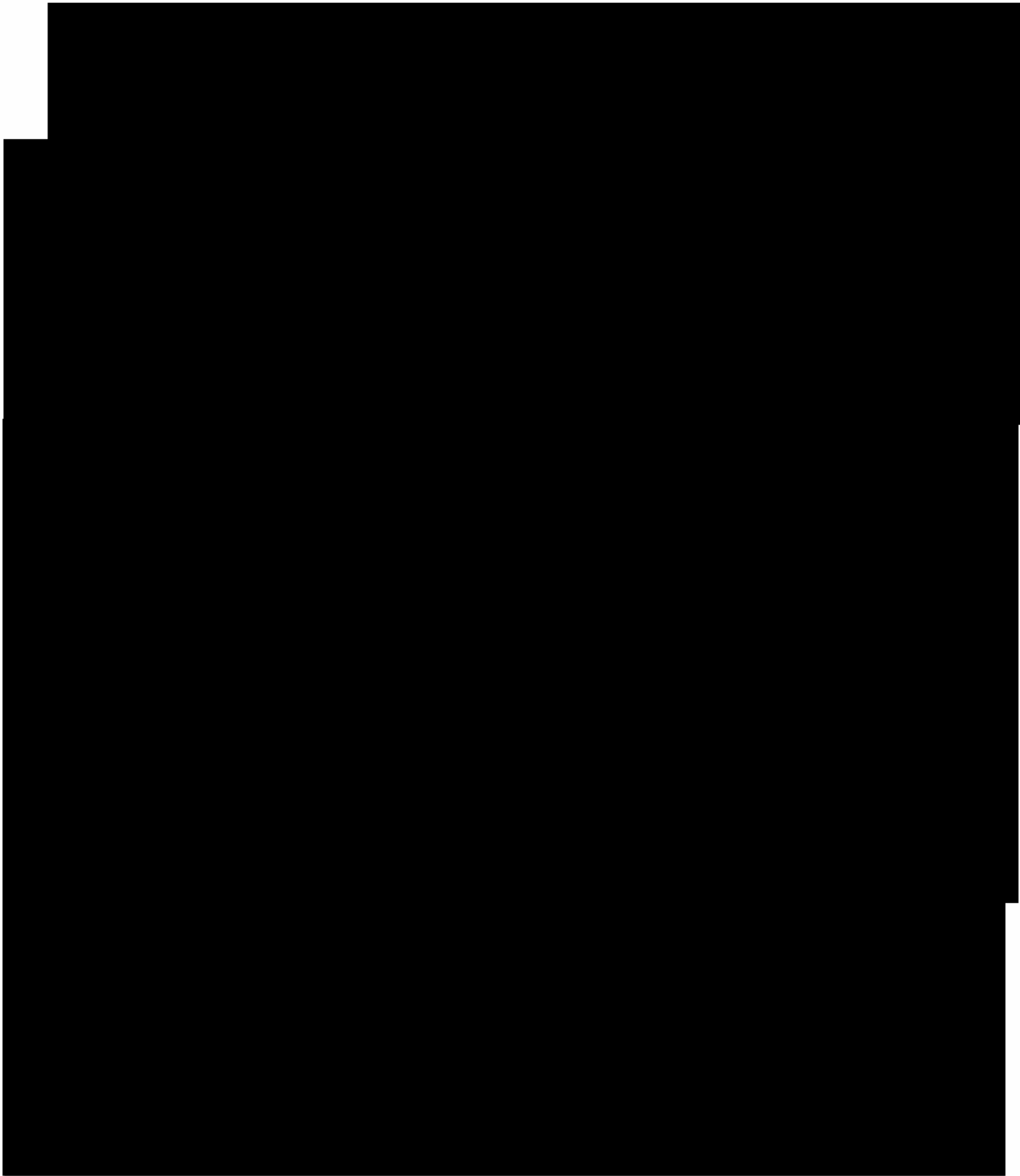




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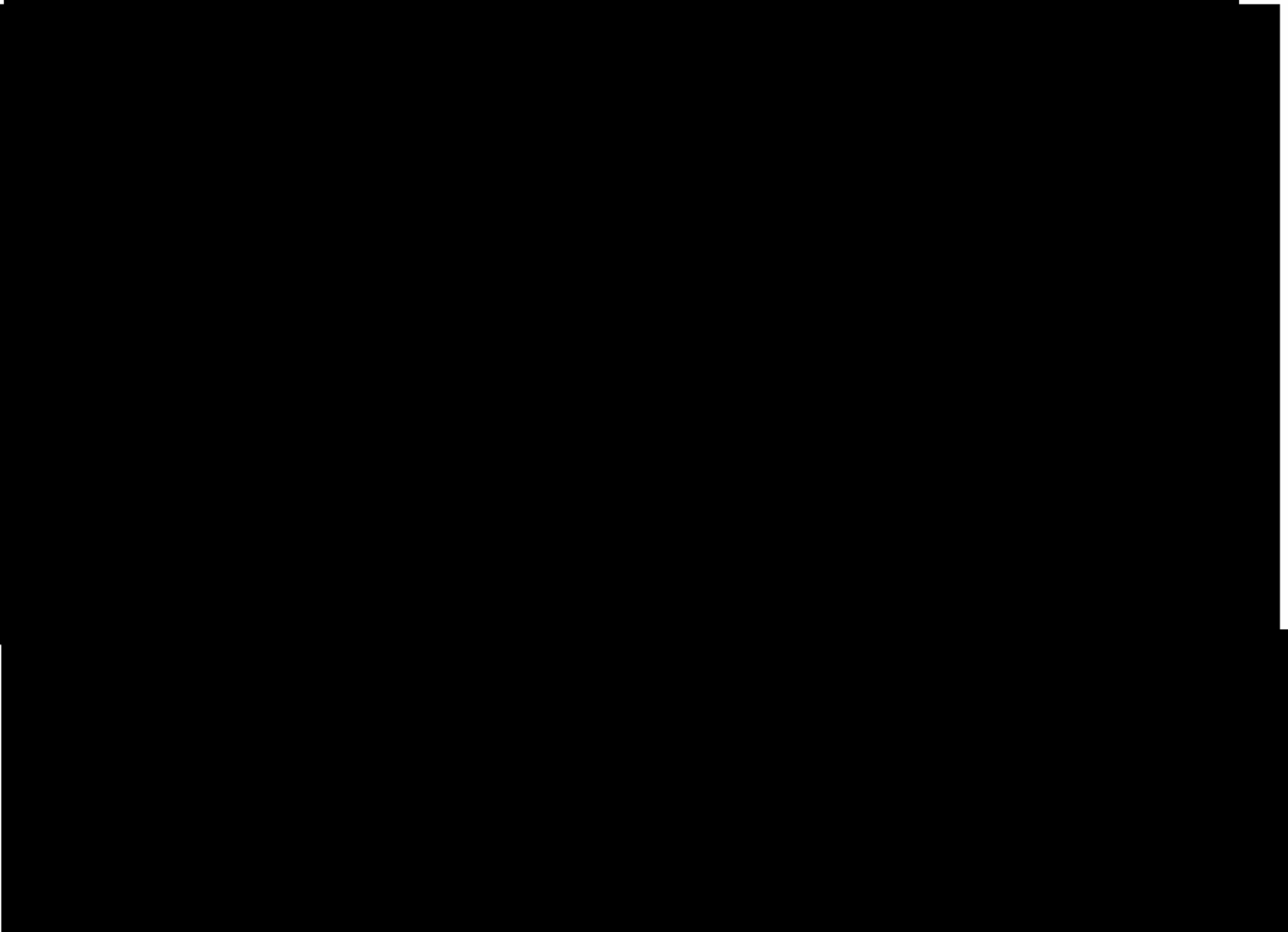
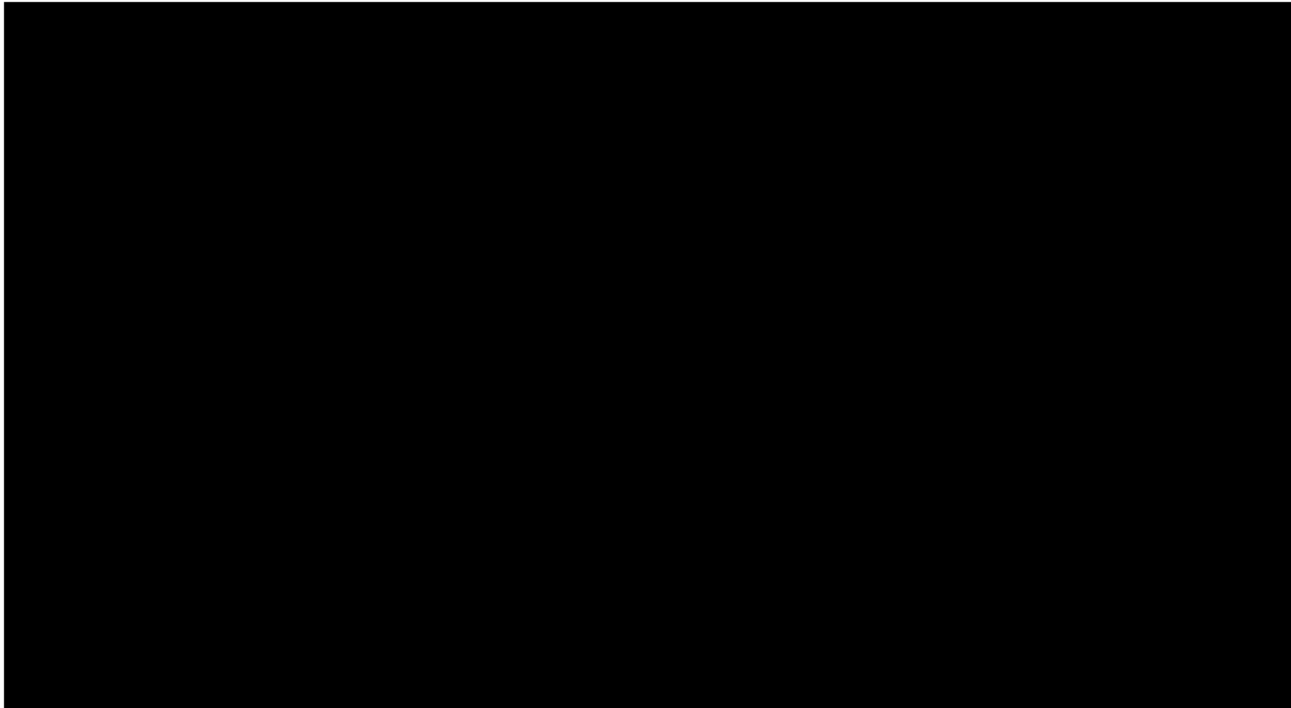


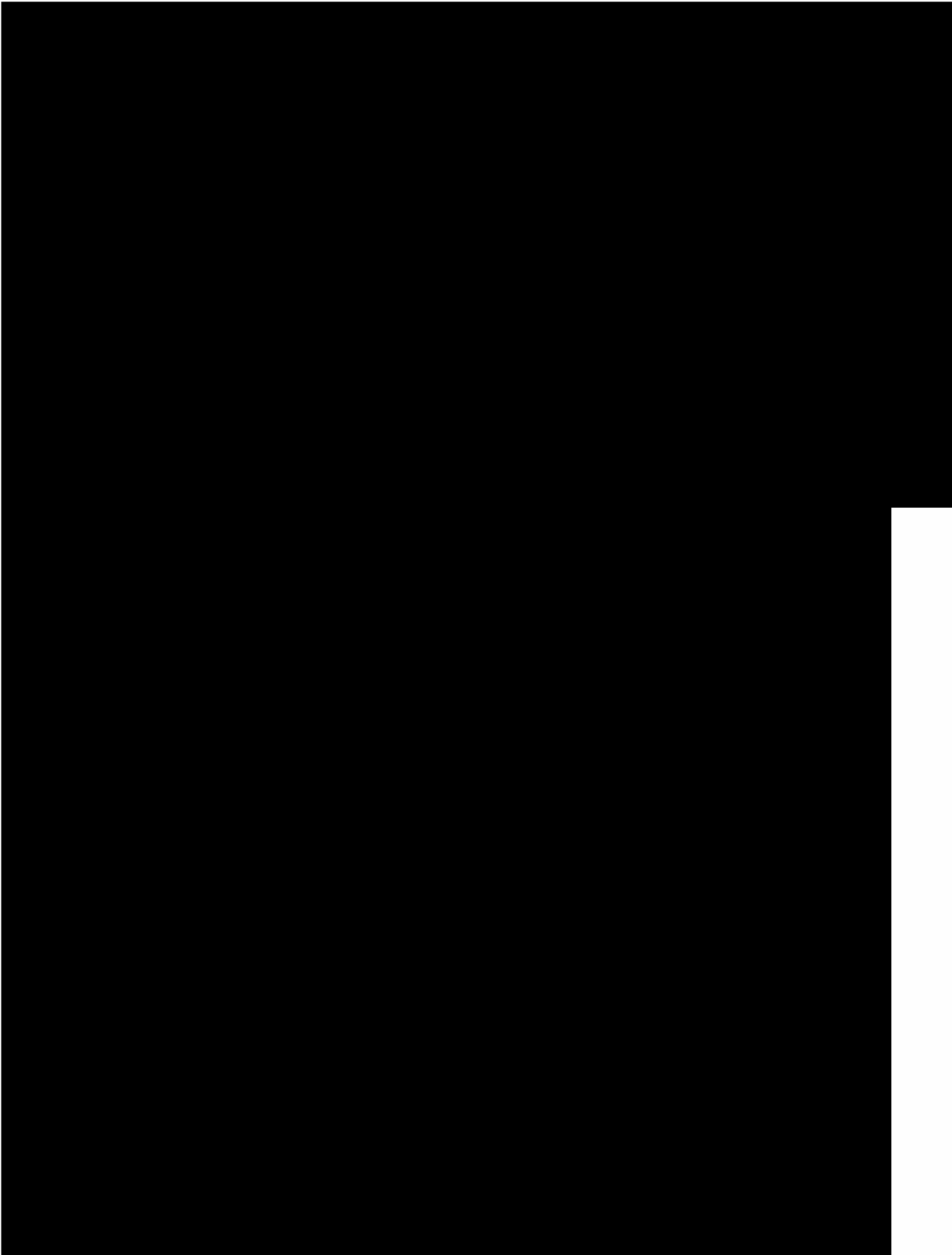
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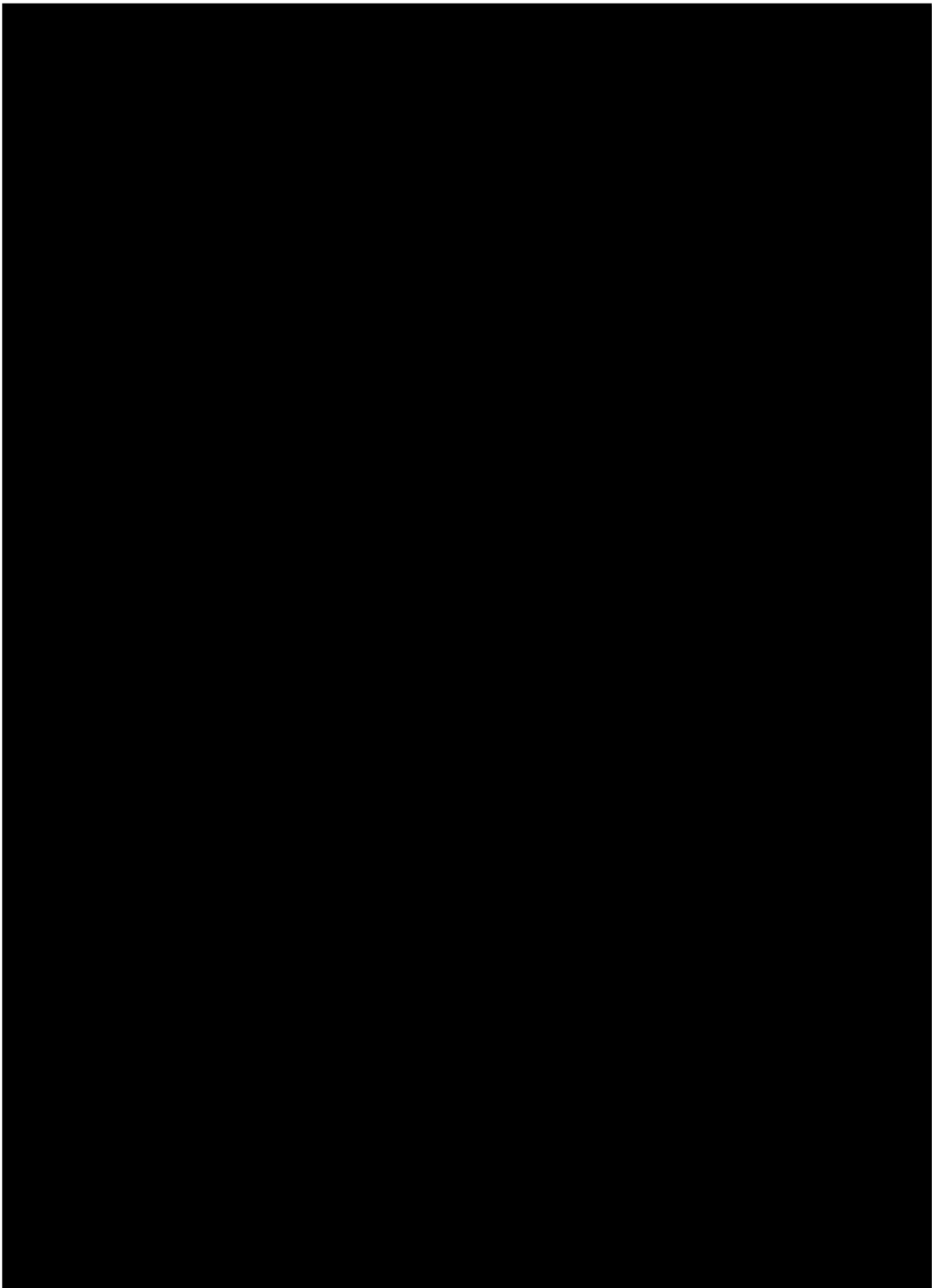


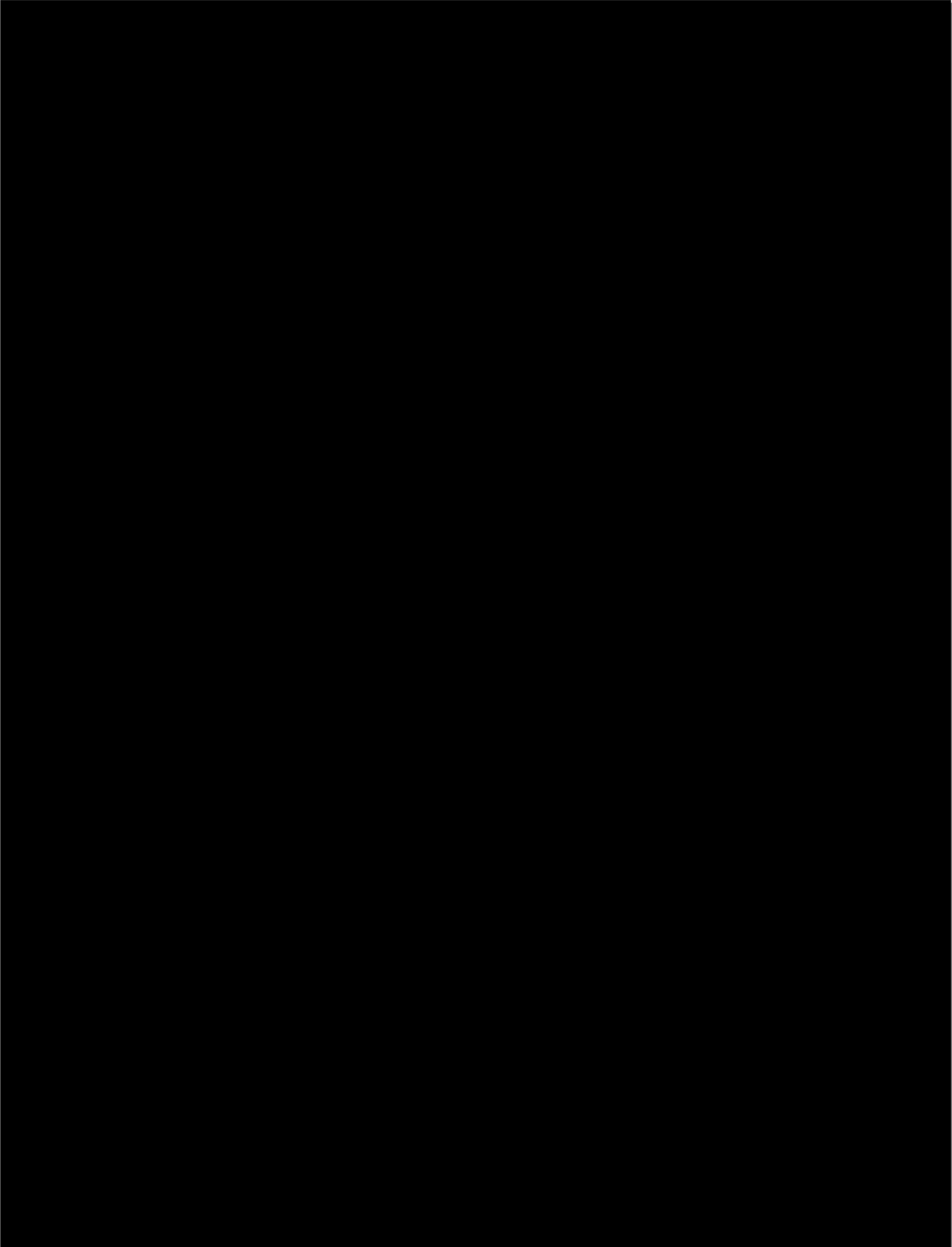


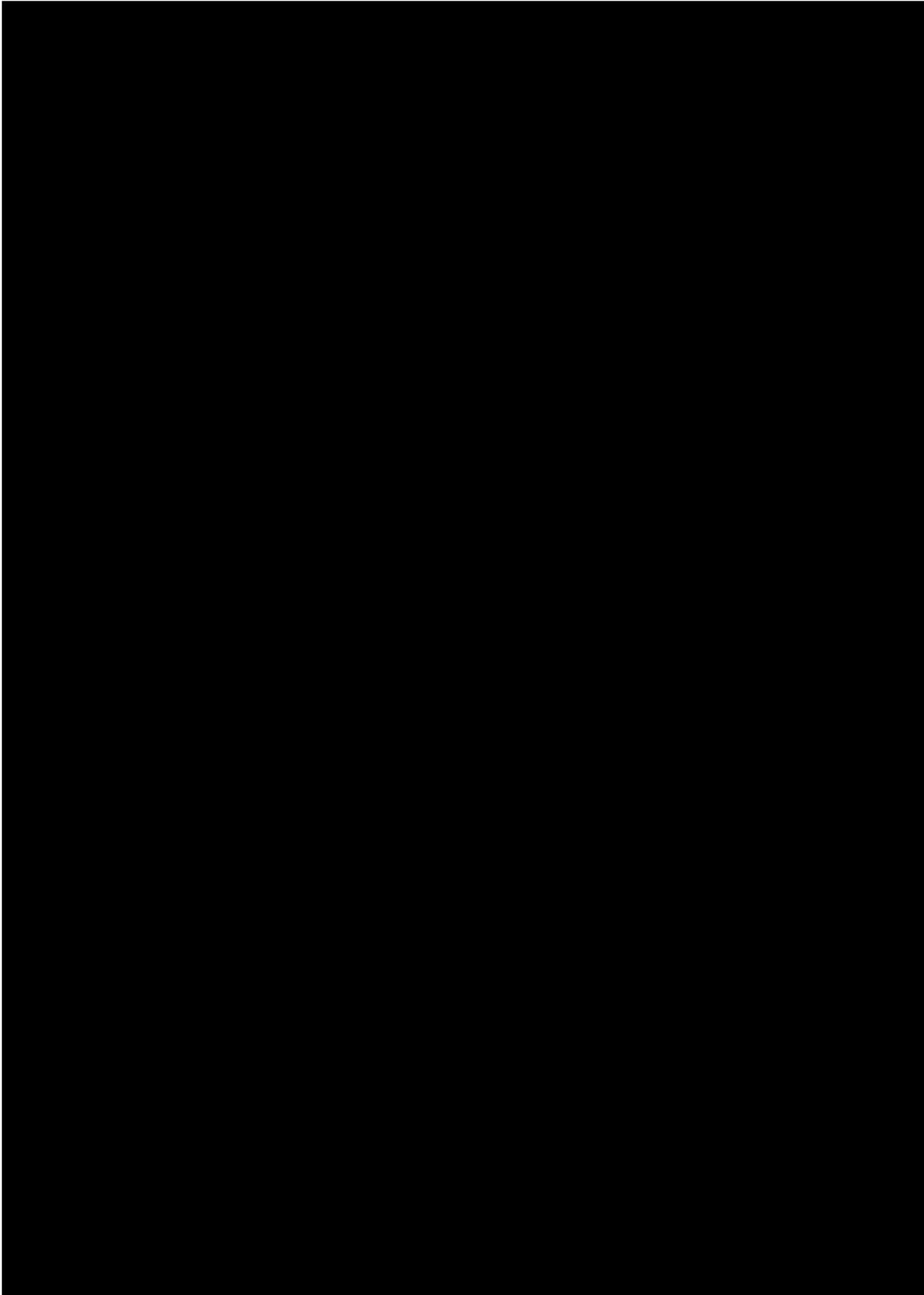


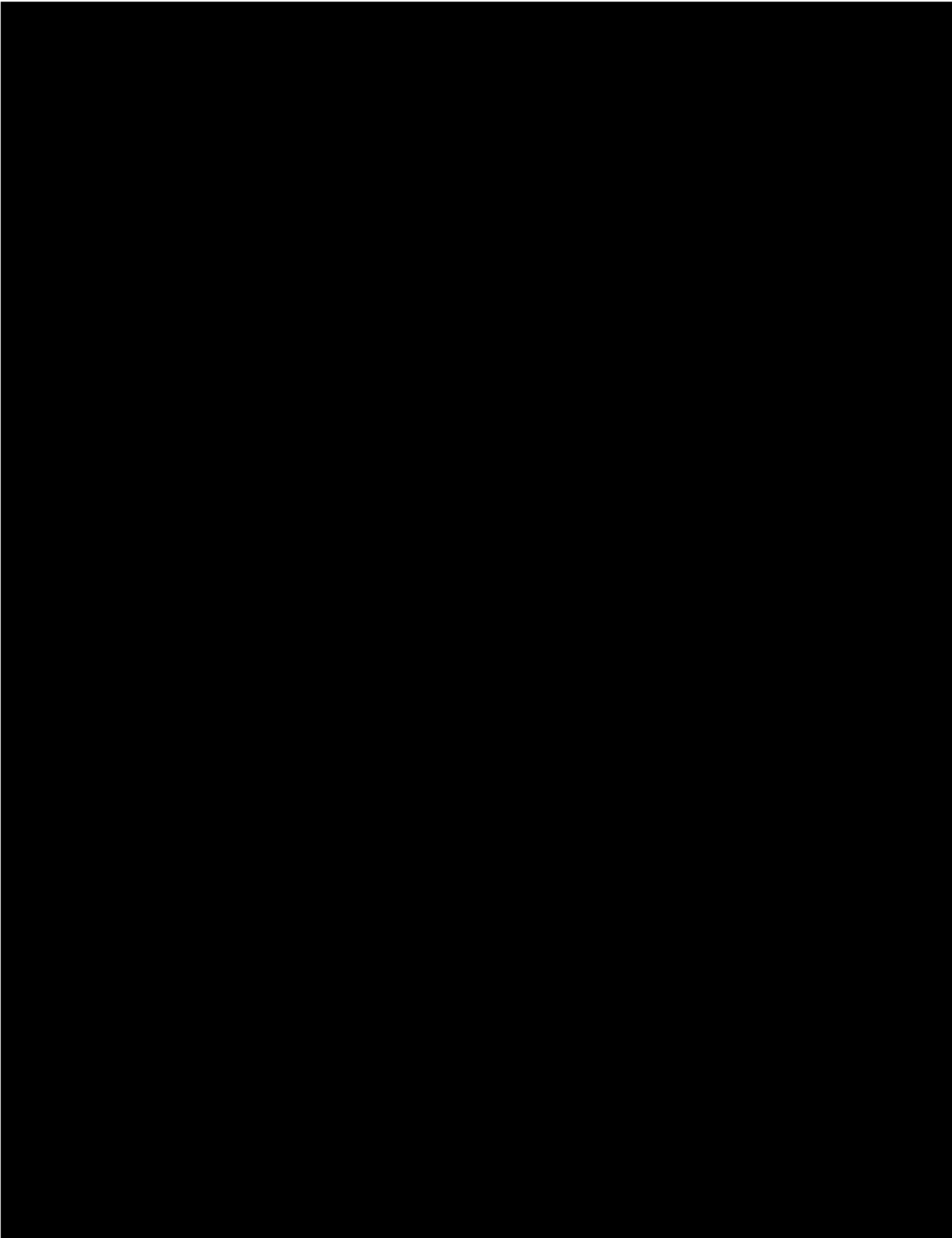
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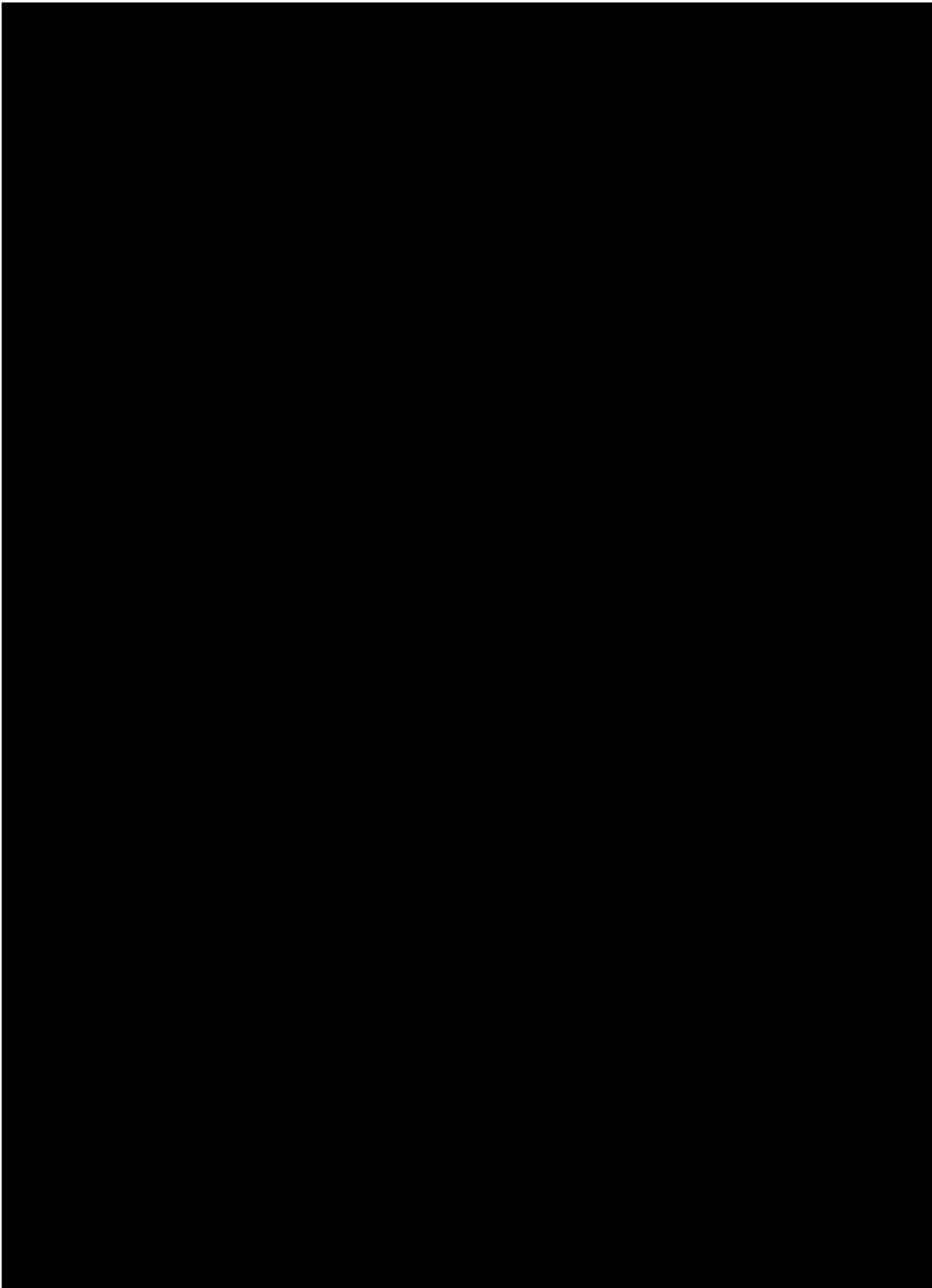


Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Response to OPC's 2 nd Set of Interrogatories (11-14),	Question 12 -all information contained in bates numbers DEF-18FL-FUEL-000075 through DEF-18FL-FUEL-000085.	§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
JEFFREY SWARTZ

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating
performance incentive factor.

Docket No. 20180001-EI

Dated: November 20, 2018

**AFFIDAVIT OF JEFFREY SWARTZ 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 Jeffrey Swartz, who being first duly sworn, on oath deposes and says that:

1. My name is Jeffrey Swartz. 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 Vice President of Florida Generation in the Fossil Hydro Operations Department. This section is responsible for overall leadership and strategic direction of DEF's power generation fleet.

3. As the Vice President of Florida Generation, I am responsible, along with the other members of the section, for strategic and tactical planning to operate and maintain DEF's non-nuclear generation fleet, generation fleet project and additions

recommendations, major maintenance programs, outage and project management, and retirement of generation facilities.

4. DEF is seeking confidential classification for certain information provided in its response to Office of Public Counsel's ("OPC") Second Set of Interrogatories (11-14), specifically question 12, submitted on November 1, 2018 in this docket. The confidential information at issue is contained in confidential Exhibit A, filed on November 1, 2018 with DEF's Notice of Intent to Request Confidential Classification 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 sensitive business information, the disclosure of which would impair the Company's competitive business interests.

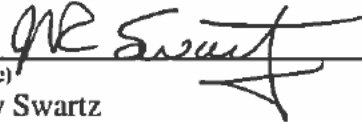
5. The confidential information at issue relates to a settlement agreement, the terms of which require both DEF and its counterparty to maintain its confidentiality; therefore the agreement qualifies as proprietary and confidential business information. The information has been deemed confidential business information by DEF and its counterparties, the disclosure of which would impair the Company's ability to negotiate favorable terms and conditions. Furthermore, the information at issue relates to the competitive interests of DEF and its counterparties, the disclosure of which would impair the Company's competitive business interests and the interests of DEF's customers. DEF has kept confidential and has not publicly disclosed the confidential information pertaining to its settlement agreement. Without DEF's measures to maintain the confidentiality of this sensitive business information, DEF's ability to contract with third-parties would be undermined.

6. Upon receipt of 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 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.

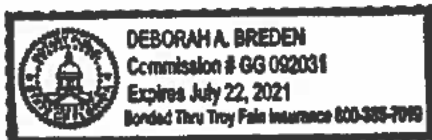
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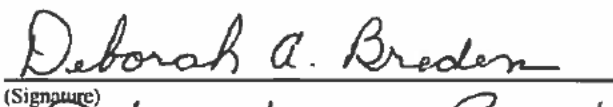
(Signature)

Jeffrey Swartz
Vice President Florida Generation
Duke Energy Florida, LLC
Florida Regional Headquarters
St. Petersburg, FL

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 15th day of November, 2018 by Jeffrey Swartz. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.



(AFFIX NOTARIAL SEAL)



(Signature)

Deborah A. Breden

(Printed Name)

NOTARY PUBLIC, STATE OF Fla

7.22.2021

(Commission Expiration Date)

GC 092031

(Serial Number, If Any)