



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

April 12, 2019

**VIA ELECTRONIC FILING**

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

Re: *Application for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Irma and Nate, by Duke Energy Florida, LLC; Docket No. 20170272-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 Fifth Supplemental Response to OPC's First Request for Production of Documents (1-10), filed on March 22, 2019.

The filing includes the following:

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

DEF's confidential Exhibit A (document no. 03318-2019), which accompanies the above-referenced filing, was filed with DEF's Notice of Intent to Request Confidential Classification and remains on file with the Clerk.

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

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In re: Application for limited proceeding for  
recovery of incremental storm restoration  
costs related to Hurricanes Irma and Nate by  
Duke Energy Florida, LLC

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Docket No. 20170272-EI

Dated: April 12, 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 Fifth Supplemental response to the Office of the Public Counsel’s (“OPC”) First Request for the Production of Documents (Nos. 1-10), filed on March 22, 2019, concurrently 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. The information contained in DEF’s Fifth Supplemental Response to OPC’s First Request for the Production of Documents (Nos. 1-10), specifically question 6, contains “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 March 22, 2019. 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 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 relates to confidential contractor invoices involved in the restoration work in DEF’s service territory. The disclosure of which would impair the Company’s ability to contract on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Jay Shawver at ¶ 4. Furthermore, the information at issue contains confidential proprietary information, including contractor rates. The disclosure of this information could adversely affect the Company’s ability to secure required resources during a storm response event, which would impact the company’s competitive interests and ultimately have a detrimental impact on DEF’s customers. *See* § 366.093(3)(e), F.S.; Affidavit of Jay Shawver 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.

4. The information identified as Exhibit “A” is intended to be and is treated as

confidential by the Company. *See* Affidavit of Jay Shawver at ¶ 5. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. *See* Affidavit of Jay Shawver at ¶ 5.

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 12<sup>th</sup> day of April, 2019.

*s/Matthew R. Bernier*

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**Duke Energy Florida, LLC**  
Docket No.: 20170272  
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 12<sup>th</sup> day of April, 2019 to all parties of record as indicated below.

*s/Matthew R. Bernier*

\_\_\_\_\_  
Attorney

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# **Exhibit A**

**“CONFIDENTIAL”**

(submitted under separate cover)

# **Exhibit B**

**REDACTED**  
**(two copies)**

Documents bearing bates numbers 20170272-DEF-OPC POD 1-6-0068563 through 20170272-DEF-OPC POD 1-6-0068664 are redacted in their entirety.



Documents bearing bates numbers 20170272-DEF-OPC POD 1-6-0068563 through 20170272-DEF-OPC POD 1-6-0068664 are redacted in their entirety.

## Exhibit C

### DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Fifth Supplemental Response to OPC's First Request for Production of Documents (Nos. 1-10)	Question 6-Bates numbers 20170272-DEF-OPC POD 1-6-0068563 through 20170272-DEF-OPC POD 1-6-0068664 in their entirety.	§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 JAY SHAWVER**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Application for limited proceeding for  
recovery of incremental storm restoration  
costs related to Hurricanes Irma and Nate by  
Duke Energy Florida, LLC

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Docket No. 20170272-EI

Dated: April 12, 2019

**AFFIDAVIT OF JAY SHAWVER IN SUPPORT OF  
DUKE ENERGY FLORIDA, LLC'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Jay Shawver. 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 Sourcing in DEF's Procurement Department. During the 2017 storms, I assisted with obtaining contracts for Transmission and Distribution.

3. DEF is seeking confidential classification for information provided in DEF's Fifth Supplemental Response to the Office of the Public Counsel's ("OPC") First Request for Production (Nos. 1-10), filed on March 22, 2019 in this docket.

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 it contains proprietary confidential business information, the disclosure of which would impair the Company's ability to protect proprietary business information. The disclosure would also impair the Company's ability to contract on favorable terms.

5. Strict procedures are established and followed to maintain the confidentiality of the Company's vendor contracts and mutual aid agreements, as well as sensitive contractual pricing information, 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 has treated and continues to treat the information at issue as confidential.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the 10 day of April, 2019.

Jay Shawver  
(Signature)

Jay Shawver  
Director-Sourcing  
Procurement-Transmission/Distribution  
Duke Energy  
526 South Church  
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 10 day of April 2019 by Jay Shawver. He is personally known to me or has produced his NC driver's license, or his \_\_\_\_\_ as identification.

Claire Clark  
(Signature)

Claire Clark  
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF \_\_\_\_\_

10-22-2021  
(Commission Expiration Date)

20012880168  
(Serial Number, If Any)



