

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: September 5, 2019

TO: Suzanne S. Brownless, Special Counsel, Office of the General Counsel

FROM: William B. McNulty, Chief of Conservation & Forecasting, Division of Economics *WBM*

RE: Duke Energy Florida - Docket No 20190140-EI - Confidentiality Request - Document No. 05595-2019, X-REF. 05439-2019

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COMMISSION CLERK

Pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Duke Energy Florida, LLC (DEF, or the Company) requests confidential classification for highlighted information in Exhibit No. TH-1 attached to the testimony of Terry Hobbs (Document No. 05595-2019, X-REF 05439-2019), filed in the above-referenced docket, dated July 16, 2019. Staff notes that the Document No. 05595-2019 contains all of the highlighted information appearing in Document No. 05439-2019, dated July 11, 2019, as well as additional information (supplemental pages with highlighting from Exhibit No. TH-1) not otherwise contained in Document No. 05439-2019. Document No. 05595-2019 is an amendment to Document No. 05439-2019.

The highlighted information in Document No. 05595-2019, contained within Exhibit No. TH-1 attached to the testimony of Terry Hobbs, includes portions of the Decommissioning Services Agreement between DEF and ADP CR3, LLC and ADP SF1, LLC. The highlighted information so referenced includes commercially sensitive and contractual obligations for decommissioning activities related to the accelerated decommissioning of the CR3 nuclear power plant. DEF states that it is contractually obligated to not disclose this information, and that doing so would make it difficult to negotiate contracts in the future to the detriment of its ratepayers. Furthermore, DEF maintains that the highlighted information is intended to be and is treated by DEF as private and has not been publicly disclosed.

The Company is claiming confidentiality of the highlighted information in Exhibit No. TH-1 under Sections 366.093(3)(d) and (e), F.S. Per the Statute, propriety of confidential business information includes, but is not limited to: Subsection (d) "Information concerning the bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms." and Subsection (e) "Information relating to the competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

Staff has reviewed the information provided in DEF's Exhibit No. TH-1 attached to the testimony of Terry Hobbs, as well as the Company's confidentiality request (Document No.

05588-2019). Staff believes that the information that is the subject of the confidentiality request meets the criteria for confidentiality contained in Section 366.093(3)(d) and (e), F.S. Staff recommends that the Company's request for confidentiality of the highlighted information included in Document No. 05594-2019, X-Ref 05439-2019, be approved.

cc: Suzanne Brownless, Office of the General Counsel



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-M-E-M-O-R-A-N-D-U-M-

DATE: July 18, 2019

TO: Division of Economics, Office of Primary Responsibility

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO: 20190140-EI

DOCUMENT NO: 05595-2019

DESCRIPTION: Duke Energy (Hernandez) - (CONFIDENTIAL) Certain information contained in Exh TH-1 to the direct testimony of Terry Hobbs; Exh A [to request for confidential classification (DN 05595-2019, X-REF. 05439-2019)].

SOURCE: Duke Energy Florida, LLC

The above confidential material was filed along with a request for confidential classification. Please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms;
 - (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information;
 - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by /s/ William B. McNulty on September 5, 2019, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.

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