

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: April 23, 2021
TO: Division of Accounting and Finance, Office of Primary Responsibility
FROM: OFFICE OF COMMISSION CLERK
RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NOS: 20210001-EI DOCUMENT NO: 03628-2021

DESCRIPTION: Duke Energy (Bernier) - (CONFIDENTIAL) Certain revised information contained in OPC's responses and amended supplemental response to 1st request for PODs (Nos. 1-6), revised Exh A [to request for confidential classification].

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/Devlin Higgins on 5.4.21, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.

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

DATE: May 4, 2021

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

FROM: Devlin Higgins, Public Utility Analyst IV, Division of Accounting & Finance

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO: 20210001-EI DOCUMENT NO: 03628-2021

DESCRIPTION: Duke Energy (Bernier) - (CONFIDENTIAL) Certain revised information contained in OPC's responses and amended supplemental response to 1st request for PODs (Nos. 1-6), revised Exh A [to request for confidential classification].

SOURCE: Duke Energy Florida

Pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code, Duke Energy Florida (DEF or Company) requests confidential classification of certain information filed in the above referenced docket, dated April 21, 2021. Staff notes this is a request for extension of confidential classification of Document No. 09342-2019.¹ However, portions of Document No. 09342-2019 have now been made public, thus DEF is no longer requesting confidential classification of that specific information. The updated filing and subject of the instant request, Document No. 03628-2021, displays the information DEF maintains as confidential.

The Company is claiming confidentiality of its information under Section 366.093(3)(d), F.S., and Section 366.093(3)(e), F.S. Per the Statute, propriety of confidential business information includes, but is not limited to: Subsection (d) “[i]nformation 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,” and Subsection (e) “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.”

More specifically, the information at issue relates to claimed proprietary and confidential contractual third-party owned information. DEF asserts that if it cannot demonstrate to its third-party partners that the Company has the ability to protect those third-parties’ confidential and

¹Order No. PSC-2019-0458-CFO-EI, Issued October 24, 2019, in Docket No. 20190001-EI, *In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.*

proprietary business information, it will be less likely that DEF can secure contracts that benefit its customers.

Staff has reviewed the subject information as well as the Company's confidentiality request. It is staff's opinion that the information subject to this request meets the criteria for confidentiality contained in Section 366.093(3)(d), F.S., and Section 366.093(3)(e), F.S.