

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of 2020-2029 Storm Protection
Plan pursuant to Rule 25-6.030, F.A.C., Duke
Energy Florida, LLC

DOCKET NO. 20200069-EI
ORDER NO. PSC-2020-0269-CFO-EI
ISSUED: July 28, 2020

ORDER GRANTING REQUESTS FOR CONFIDENTIALITY BY
DUKE ENERGY FLORIDA, LLC (DOCUMENT NOS. 02174-2020, 02232-2020, 02242-2020,
02318-2020, 02395-2020, 02397-2020, 02481-2020, AND 02696-2020)

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) filed several requests for confidential classification (Requests) in Docket No. 20200069-EI, as indicated in the table below.

Request Date	Subject Matter	Confidential Document No.
May 14, 2020	DEF's Response to OPC's First Request for Production of Documents (Nos. 1-14); Nos. 1 and 12	02174-2020
May 18, 2020	DEF's Response to OPC's Second Request for Production of Documents (Nos. 15-30); Nos. 23 and 24	02232-2020 and 02242-2020
May 21, 2020	DEF's Response to OPC's Third Request for Production of Documents (Nos. 31-53), Nos. 31, 36, and 40	02318-2020
May 26, 2020	DEF's Response to OPC's Fourth Request for Production of Documents (Nos. 54-67); Nos. 54 and 55	02395-2020
May 26, 2020	DEF's Response to OPC's Fifth Request for Production of Documents (Nos. 68-79); Nos. 68 and 70	02397-2020
May 28, 2020	DEF's Response to OPC's Sixth Request for Production of Documents (Nos. 80-87); No. 81	02481-2020
June 11, 2020	DEF's Response to OPC's Eighth Set of Interrogatories (Nos. 235-260); No. 258	02696-2020

Requests for Confidential Classification

DEF contends that some of the information contained in the above-referenced documents constitutes proprietary and confidential business information entitled to protection under Section

366.093, F.S., and Rule 25-22.006, F.A.C. DEF asserts that this information is intended to be and is treated by DEF as private and has not been publicly disclosed.

DEF contends that the information identified as confidential in the Requests is contractual information and information relating to competitive interests that DEF treats as proprietary confidential business information. DEF avers that the information relates to the competitive interest of DEF and asserts that this information concerns bids, other contractual data, policies, procedures, and guidelines, or forecasting analyses, the disclosure of which would impair the efforts of DEF to contract for goods and services on favorable terms. DEF argues that such information is entitled to confidential classification pursuant to Sections 366.093(3), (3)(d) and (3)(e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides that proprietary confidential business information includes, but is not limited to:

(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 the information.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described above and in DEF's requests appears to contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of DEF or its affiliates to contract for goods or services on favorable terms, and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Thus, the information identified in the Requests shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless DEF or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

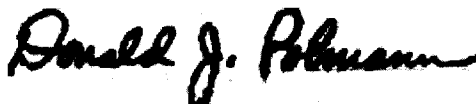
Based on the foregoing, it is hereby

ORDERED by Commissioner Donald J. Polmann as Prehearing Officer, that Duke Energy Florida, LLC's Requests for Confidential Classification of Document Nos. 02174-2020, 02232-2020, 02242-2020, 02318-2020, 02395-2020, 02397-2020, 02481-2020, and 02696-2020 are granted. It is further

ORDERED that the information in Document Nos. 02174-2020, 02232-2020, 02242-2020, 02318-2020, 02395-2020, 02397-2020, 02481-2020, and 02696-2020, for which confidential classification has been granted, shall remain protected from disclosure for 18 months from the date of issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Donald J. Polmann, as Prehearing Officer, this 28th day of July, 2020.



DONALD J. POLMANN, Ph.D., P.E.
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.