

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Duke Energy
Florida, LLC.

DOCKET NO. 20240025-EI
ORDER NO. PSC-2024-0358-CFO-EI
ISSUED: August 14, 2024

ORDER GRANTING DUKE ENERGY FLORIDA, LLC'S
REQUEST FOR CONFIDENTIALITY
(DOCUMENT NOS. 04663-2024, 06236-2024,
06312-2024 AND 06438-2024)

On June 26, 2024, 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 a Request for Confidential Classification (Request) of certain information contained in the responses to the request by the Office of Public Counsel (OPC) for late-filed exhibits to the depositions of Vanessa Goff, Marcia Olivier, Benjamin Borsch, and Hans Jacob. (Document Nos. 04663-2024, 06236-2024, 06312-2024, and 06438-2024). DEF filed this request in Docket No. 20240025-EI.

Request for Confidential Classification

DEF contends that certain business information in Document Nos. 04663-2024, 06236-2024, 06312-2024, and 06438-2024 is proprietary and confidential and, therefore, entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. More specifically, DEF states that the late-filed exhibits to the deposition of Vanessa Goff (responses to OPC requests 2, 5, and 6) contain terms and conditions of lease agreements to which DEF is a party and cost estimates for DEF's planned solar design optimization (Document Nos. 04663-2024 and 06438-2024). DEF continues that the late-filed exhibits to the depositions of Benjamin Borsch (response to OPC request 2) and Hans Jacob (response to OPC request 3) contain information related to planned outages, specific unit must-run assumptions, and technology selection criteria for proposed battery storage projects (Document 06236-2024). Finally, DEF states that the late-filed exhibit to the deposition of Marcia Olivier (response to OPC request 8) contains information relating to DEF's current and future pension programs (Document No. 06312-2024). DEF asserts that all of this information is intended to be and is treated by DEF as private and has not been publicly disclosed.

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 Request 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 (Document Nos. 06236-2024 and 06438-2024), and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information (Document Nos. 04663-2024, 06236-2024, and 06312-2024). Thus, the information identified in Document Nos. 04663-2024, 06236-2024, 06312-2024, and 06438-2024 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 up to 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.

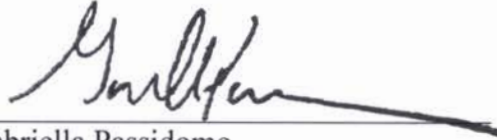
Based on the foregoing, it is hereby

ORDERED by Commissioner Gabriella Passidomo, as Prehearing Officer, that Duke Energy Florida, LLC's Request for Confidential Classification of Document Nos. 04663-2024, 06236-2024, 06312-2024, and 06438-2024 is granted. It is further

ORDERED that the information in Document Nos. 04663-2024, 06236-2024, 06312-2024, and 06438-2024, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 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 Duke Energy Florida, LLC or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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 Gabriella Passidomo, as Prehearing Officer, this 14th day of August, 2024.



Gabriella Passidomo
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.

SPS

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.