



Matthew R. Bernier
ASSOCIATE GENERAL COUNSEL II
Duke Energy Florida, Inc.

December 16, 2013

Ms. Carlotta Stauffer, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: *Docket No. 110323-EI*

Dear Ms. Cole:

Please find enclosed for filing on behalf of Duke Energy Florida, Inc. ("DEF"), DEF's First Request for Extension of Confidential Classification concerning information provided in response to FPSC's Review of Coal Combustion Residual Storage and Disposal Processes of the Florida Electric Industry, Data Request 2. DEF has also attached an affidavit supporting this request. DEF hereby incorporates the original Request together with its attachments as if fully set forth herein.

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
Associate General Counsel

Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: FPSC Review of Coal Combustion)
Residual Storage and Disposal Processes of)
the Florida Electric Industry)
_____)

Docket No.: 110323-EI

Filed: December 16, 2013

**DUKE ENERGY FLORIDA, INC.'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, Inc., (“DEF” or “Company”), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), hereby submits its First Request for Extension of Confidential Classification of certain information provided to the Florida Public Service Commission (“FPSC” or “Commission”) Staff (“Staff”) during the FPSC’s Review of Coal Combustion Residual Storage and Disposal Processes of the Florida Electric Industry (the “Report”), as well as portions of DEF’s¹ Responses to Data Request 2, specifically certain information regarding disposal costs and other contractual confidential information. In support of this Request, DEF states as follows:

1. On November 23, 2011, DEF filed a request for confidential classification of information provided in response to Staff’s Second Data Request and in the Report, including confidential disposal cost information and contractual information associated with DEF’s Storage and Disposal agreements (the “Request”). *See* Document No. 08612-11, Docket No. 110323-EI. DEF hereby incorporates the Request, as well as confidential Exhibit A, Exhibit B, and Exhibit C to the Request as if fully set forth herein.

2. DEF’s November 23, 2011 Request was granted by Order No. PSC-12-0036-CFO-EI on January 24, 2012. The information granted confidential classification by Order No. PSC-12-0036-CFO-EI warrants continued treatment as proprietary and confidential business

¹ The confidential information at issue was provided to the Commission by DEF’s predecessor, Progress Energy Florida, Inc. (“PEF”).

information within the meaning of Section 366.093(3), Florida Statutes. Accordingly, DEF is hereby filing its First Request for Extension of Confidential Classification.

3. DEF submits that the information referenced above and identified in Exhibit “C” and included in Composite Exhibit “A” to the Request, continues to be proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public. Pursuant to Section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. *See* Affidavit of Tony Mathis, ¶¶ 5-7.

4. Nothing has changed since the issuance of Order No. PSC-12-0036-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. *See id.* at ¶ 4. Upon a finding by the Commission that this information continues to be “proprietary confidential business information,” it should continue to be treated as such for an additional period of at least 18 months, and should be returned to DEF as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this First Request for Extension of Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 16th day of December, 2013.

Respectfully submitted,

/s/ Matthew R. Bernier
Dianne M. Triplett
Associate General Counsel
Matthew R. Bernier
Associate General Counsel II
Duke Energy Florida, Inc.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: FPSC Review of Coal Combustion
Residual Storage and Disposal Process
Of the Florida Electric Industry.

Docket No. 110323-EI

Dated: December 16th, 2013

**AFFIDAVIT OF TONY MATHIS IN SUPPORT OF
DUKE ENERGY FLORIDA'S
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

1. My name is Tony Mathis. 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 Extension of Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the *Director of Byproducts & Reagents*. My job description is to *manage the procurement of reagents, inclusive of reagents that mitigate NOx, SO2, and SO3 emissions, and to manage the commercial beneficial reuse and sales of all the applicable byproducts, within the Duke regulated fleet.*

3. As such, I am responsible for the sales and marketing of coal combustion products to various customers for DEF's coal generation facilities, and manage the procurement of all reagents that mitigate NO_x, SO₂ and SO₃ emission.

4. DEF is seeking an extension of confidential classification for portions of information originally granted confidential classification by the Commission by Order No. PSC-12-0036-E1. Nothing has changed since that Order was issued regarding the continuing need for the information at issue to remain confidential; it has not been rendered stale by the passage of time and it has not been made public. A detailed description of the confidential information at issue is contained in confidential Exhibit A to DEF's Request for Extension of Confidential Classification and is outlined in DEF's Justification Matrix that is attached to DEF's Request for Extension of Confidential Classification as Exhibit C. DEF is requesting an extension of the confidential classification of this information because it contains sensitive business information, the disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms.

5. DEF negotiates with potential coal ash residual end-users to obtain competitive contracts for coal ash products that provide economic value to DEF and its ratepayers. In order to obtain such contracts, however, DEF must be able to assure customers that sensitive business information, such as pricing, will be kept confidential. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed confidential information pertaining to the coal ash product costs. Absent such measures, customers would run the risk that sensitive business information that they provided in their bids/contracts with DEF would be made available

to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with DEF might decide not to do so if DEF did not keep specific information confidential. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and suppliers, the Company's efforts to obtain competitive coal ash residual contracts could be undermined.

6. Additionally, the disclosure of confidential information in the contracts, could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive supply options that provide economic value to both DEF and its ratepayers could be compromised by DEF's competitors changing their consumption or purchasing behavior within the relevant markets.

7. Upon receipt of confidential information from fuel suppliers, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including 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 pricing information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 16th day of December, 2013.

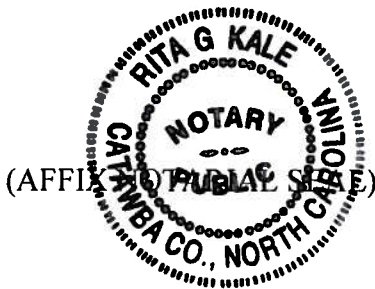
Tony Mathis

(Signature)

Tony Mathis

[Director of Byproducts & Reagents]

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 16th day of December, 2013 by Tony Mathis. He is personally known to me, or has produced his N/A driver's license, or his N/A as identification.



Rita G Kale

(Signature)

Rita G Kale

(Printed Name)

NOTARY PUBLIC, STATE OF NC

6/17/2017

(Commission Expiration Date)

(Serial Number, If Any)