



Matthew R. Bernier
Sr. Counsel
Duke Energy Florida, Inc.

May 21, 2014

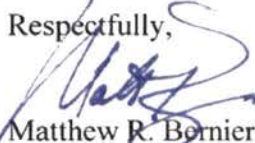
Ms. Carlotta Stauffer, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Commission Review of Numeric Conservation Goals (Duke Energy Florida, Inc.);
Docket No. 130200-EI

Dear Ms. Stauffer:

Please find enclosed for filing on behalf of Duke Energy Florida, Inc. ("DEF"), an original and (7) copies of DEF's Request for Confidential Classification filed in connection with DEF's Response to Southern Alliance for Clean Energy's (SACE) Second Request for the Production of Documents (Nos. 12-24), specifically Request 2-23. The original includes Attachments A, B, C and D.

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,

Matthew R. Bernier
Sr. Counsel

MRB/at
Enclosures

cc: Certificate of Service

- COM _____
- AFD 1
- APA _____
- ECO 1
- ENG 3
- GCL 1
- IDM 1
- TEL _____
- CLK _____

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14 MAY 22 AM 10:08
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
Conservation goals (Duke Energy Florida, Inc.)

DOCKET NO. 130200-EI

Filed: May 22, 2014

**DUKE ENERGY FLORIDA'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida ("DEF" or the "Company"), pursuant to Section 366.093, Fla. Stats., and Rule 25-22.006, Florida Administrative Code, submits this Request for Confidential Classification for certain information contained in DEF's Response to Southern Alliance for Clean Energy's ("SACE") Second Request for Production of Documents (Nos. 12-24). Specifically, the documents responsive to SACE Request 2-23 includes confidential and proprietary contractual costs provided to DEF and confidential production costs developed by DEF. In support of this Request, DEF states:

I. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing an unredacted copy of the spreadsheets used to calculate rates responsive to SACE's Second Request for Production of Documents (Nos. 12-24) for which DEF seeks confidential treatment. Composite Exhibit A is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted in yellow.

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Exhibit C is a table which identifies by page and line the information for which DEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

(d) Exhibit D is an affidavit attesting to the confidential nature of information identified in this request.

3. As indicated in Exhibit C, the information for which DEF requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, a document responsive to SACE Request 2-23 contains proprietary and confidential contractual costs provided to DEF. Disclosure of this sensitive business information to the public would adversely impact DEF’s competitive business interests by negatively impacting DEF’s ability to contract with third-party consultants. *See* § 366.093(3)(d), F.S.; Affidavit of Timothy J. Duff at ¶ 5. If DEF cannot guarantee third-party consultants, such as Comverge, that its proprietary and confidential information will not be subject to public disclosure, DEF will not be able to contract with, and utilize the expertise of, such third-party consultants, to the detriment of DEF and its customers. *See* § 366.093(3)(e), F.S.; Affidavit of Timothy J. Duff at ¶ 5. Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. Portions of another document responsive to SACE Request 2-23 contains confidential production costs developed by DEF and relate to DEF’s business plans and operational analyses. Disclosure of such sensitive business information to the public would adversely impact DEF’s competitive business interest. *See* § 366.093(3)(e), F.S.;

Affidavit of Timothy J. Duff at ¶ 6. Specifically, if DEF's competitors, suppliers, and providers are made aware of these business plans and analyses, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provisions of goods, materials, and services. *Id.* For example, DEF's suppliers or providers may decrease supply of such goods and services, and/or increase the cost and prices of such goods and services. *Id.* Additionally, DEF's competitors may adjust their consumption behavior in the market, thereby potentially making goods and services less available and more expensive to DEF. *Id.*

5. The information identified as Exhibit "A" is intended to be and is treated as confidential by the Company. See Affidavit of Timothy J. Duff at ¶ 6. This information has not been publicly shared since being received, and DEF follows strict procedures to ensure that access to the information is restricted to those employees who need the information to assist the Company. *See id.*

6. DEF requests that the information identified in Exhibit A be classified as "proprietary confidential business information" within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4) F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

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

Respectfully submitted this 22nd day of May, 2014.

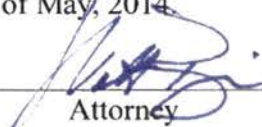


Dianne M. Triplett

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Matthew.bernier@duke-energy.com
Attorneys for Duke Energy Florida, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on the following via electronic mail this 22nd day of May, 2014.



Attorney

<p>Lee Eng Tan Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 ltan@psc.state.fl.us cmurphy@psc.state.fl.us shopkins@psc.state.fl.us</p> <p>Steven L. Hall, Senior Attorney Office of General Counsel 407 South Calhoun Street, Suite 520 Tallahassee, FL 32399 steven.hall@FreshFromFlorida.com</p> <p>John Butler/Jessica Cano 700 Universe Blvd Juno Beach, FL 33408 john.butler@FPL.com jessica.cano@FPL.com</p> <p>Kevin Donaldson 4200 West Flagler Street Miami, FL 33134 kevin.donaldson@fpl.com</p> <p>Paula K. Brown P.O. Box 111 Tampa, FL 33602 pkbrown@tecoenergy.com</p> <p>Jeffrey A. Stone/ Russell A. Badders Steven R. Griffin Beggs & Lane Gulf Power P.O. Box 12950 Pensacola, FL 32591 srg@beggslane.com</p> <p>Robert Scheffel Wright/John T. LaVia Gardner, Bist, Wiener, Wadsworth, Bodwden, Bush, Dec, LaVia & Wright, P.A. 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p>	<p>J. Beasley/J. Wahlen/A. Daniels Ausley McMullen Post Office Box 391 Tallahassee, FL 32302 jbeasley@ausley.com jwahlen@ausley.com adaniels@ausley.com</p> <p>Diana Csank Sierra Club 50 F St. NW, 8th Floor Washington, DC 20001 diana.csank@sierraclub.org</p> <p>Jon C. Moyle, Jr. / Karen Putnal Moyle Law Firm, P.A. 118 N. Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com kputnal@moylelaw.com</p> <p>Robert L. McGee, Jr. Gulf Power Company One Energy Place Pensacola, FL 32520 rilmcgee@southernco.com</p> <p>George Cavros Southern Alliance for Clean Energy 120 E. Oakland Park Blvd., Suite 105 Ft. Lauderdale, FL 33334 george@cavros-law.com</p> <p>Alisa Coe/David G. Guest Earthjustice 111 S. Martin Luther King Jr. Blvd. Tallahassee, FL 32301 acoe@earthjustice.org dguest@earthjustice.org bbeard@earthjustice.org</p> <p>James W. Brew / F. Alvin Taylor Brickfield burchette Ritts & Stone 1025 Thomas Jefferson St., NW, Eighth Washington, DC 20007 jbrew@bbrslaw.com ataylor@bbrslaw.com</p>
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REDACTED

Exhibit B

REDACTED

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LMS MAINTENANCE COSTS

Item	Description	2014	2015
1	Four (4) IT FTEs @ \$75/hour		
	Annual Software Maintenance Fees		
2	(Comverge)		
3	Annual Software Support Services (Comverge)		
	Hosting Fees for 5 Environments (DEV, TEST,		
4	UAT, PROD, and DR)		
		\$0	\$0



	<u>Energy</u>			<u>Total</u>					
	<u>Requirements</u>	<u>Total Production</u>	<u>Total Fuel Costs</u>	<u>Environmental</u>	<u>PPAs Costs</u>	<u>Other Costs</u>	<u>Capital Revenue</u>		
	<u>(GWH)</u>	<u>Costs (\$000)</u>	<u>(\$000)</u>	<u>Costs (\$000)</u>	<u>(\$000)</u>	<u>(\$000)</u>	<u>Requirement (\$000)</u>	<u>TOTAL</u>	
2013	40,270								PPAs (includes Fuel Costs): Scherer Franklin Franklin Extension
2014	39,801								
2015	40,490								
2016	41,098								
2017	41,375								
2018	41,995								
2019	43,013								
2020	43,998								
2021	44,419								
2022	44,870								
2023	45,459								
2024	46,002								
2025	46,377								
2026	46,949								
2027	47,342								
2028	47,850								
2029	48,232								
2030	48,577								
2031	49,152								
2032	49,732								
2033	50,089								
2034	50,527								
2035	50,936								
2036	51,411								
2037	51,643								
2038	51,963								
2039	52,295								
2040	52,770								
2041	53,137								
2042	53,504								
2043	53,871								

REDACTED

LMS MAINTENANCE COSTS

Item	Description	2014	2015
1	Four (4) IT FTEs @ \$75/hour		
	Annual Software Maintenance Fees		
2	(Converge)		
3	Annual Software Support Services (Converge)		
	Hosting Fees for 5 Environments (DEV, TEST,		
4	UAT, PROD, and DR)		
		\$0	\$0



	<u>Energy</u>		<u>Total</u>					
	<u>Requirements</u>	<u>Total Production</u>	<u>Total Fuel Costs</u>	<u>Environmental</u>	<u>PPAs Costs</u>	<u>Other Costs</u>	<u>Capital Revenue</u>	
	<u>(GWH)</u>	<u>Costs (\$000)</u>	<u>(\$000)</u>	<u>Costs (\$000)</u>	<u>(\$000)</u>	<u>(\$000)</u>	<u>Requirement (\$000)</u>	<u>TOTAL</u>
2013	40,270							
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2038	51,963							
2039	52,295							
2040	52,770							
2041	53,137							
2042	53,504							
2043	53,871							

PPAs (includes Fuel Costs):
 Scherer
 Franklin
 Franklin Extension

Exhibit C

**DUKE ENERGY FLORIDA
Confidentiality Justification Matrix**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Response to SACE's Second Request for Production of Documents (Nos. 12-24): SACE 2-23	DEF-DSM-03993 (contractual costs prepared for DEF by a third-party consultant) and DEF-DSM-03998 (production costs prepared by DEF).	§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms. §366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.

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Exhibit D

AFFIDAVIT OF TIMOTHY J. DUFF

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
Conservation goals (Duke Energy Florida, Inc.)

DOCKET NO. 130200-EI
Filed: May __, 2014

**AFFIDAVIT OF TIMOTHY J. DUFF IN SUPPORT OF
DUKE ENERGY FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Timothy J. Duff. I am over the age of 18 years old and I have been authorized by Duke Energy Florida, Inc. (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 Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the General Manager of Customer Regulatory Strategy & Analytics within the Customer Planning & Analytics Department. This department is responsible for regulatory planning, support and compliance of the Company's Demand-Side Management (DSM) programs.

3. As the General Manager of Customer Regulatory Strategy & Analytics, I am responsible, along with the other members of the section, for the support for development, implementation, training, and budgeting related to the Demand-Side Management Programs.

4. DEF is seeking confidential classification for portions of its Response to Southern Alliance for Clean Energy (SACE)'s Second Request for the Production of Documents (Nos. 12-24). A detailed description of the confidential information at issue is contained and outlined in DEF's Justification Matrix that is attached to DEF's Request for Confidential Classification as Exhibit C.

5. In regards to the document bearing bates number DEF-DSM-03977, DEF is requesting confidential classification of the contractual costs prepared for DEF by its third-party consultant, Comverge, because it contains Comverge's proprietary and confidential information, the disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms and the disclosure would adversely impact DEF's competitive business interests. For example, if third-parties and DEF's suppliers or providers were not comfortable that their proprietary and confidential information would not become part of the public domain, those third-parties would not contract with DEF and DEF would lose its ability to utilize their expertise. Such a scenario would harm the Company's competitive interests as well as DEF's customers' interests.

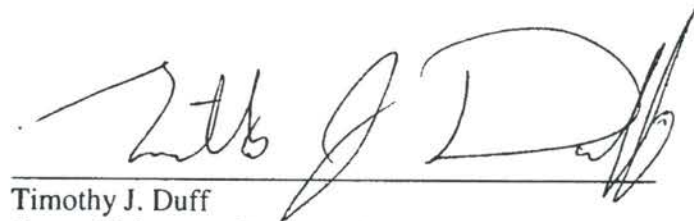
6. In regards to the document bearing bates number DEF-DSM-03998, DEF is requesting confidential classification of the production costs prepared by DEF, because disclosure of this sensitive business information to the public would adversely impact

DEF's competitive business interests. Specifically, if DEF's competitors, suppliers, and providers are made aware of these business plans and analyses, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provisions of goods, materials, and services. For example, DEF's suppliers or providers may decrease supply of such goods and services, and/or increase the cost and prices of such goods and services. Additionally, DEF's competitors may adjust their consumption behavior in the market, thereby potentially making goods and services less available and more expensive to DEF.

7. Strict procedures are established and followed to maintain the confidentiality of the terms of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. At no time has the Company publicly disclosed the confidential information or documents at issue. The Company has treated and continues to treat the information and documents at issue as confidential.

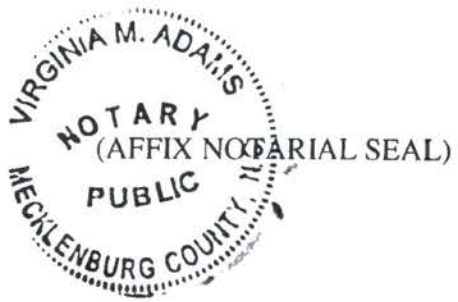
8. This concludes my affidavit.

Further affiant sayeth not.

A handwritten signature in black ink, appearing to read 'Timothy J. Duff', is written over a horizontal line. The signature is stylized and cursive.

Timothy J. Duff
General Manager Customer Regulatory
Strategy & Analytics
Duke Energy
400 S. Tryon Street
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 21 day of May, 2014 by Timothy J. Duff. He is personally known to me, or has produced his North Carolina driver's license, or his _____ as identification.



Virginia M. Adams
(Signature)

Virginia M. Adams
(Printed Name)

NOTARY PUBLIC, STATE OF NORTH CAROLINA

Oct. 2, 2016
(Commission Expiration Date)

(Serial Number, If Any)