



Matthew R. Bernier  
Senior Counsel  
Duke Energy Florida, LLC

April 29, 2016

**VIA ELECTRONIC FILING**

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

Re: *Nuclear Cost Recovery Clause; Docket No. 160009-EI*

Dear Ms. Stauffer:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's First Request for Extension of Confidential Classification concerning information contained in Staff's Audit Report No. 13-01-001 (document number 03392-13) filed in docket no. 130009-EI, and Revised Exhibit D, Affidavits of Mark Teague and Christopher Fallon in Support of DEF's First Request for Extension of Confidential Classification. The original Request included Exhibits A, B, and C.

There are no changes to the original Request's Exhibit A consisting of the confidential unredacted documents, Exhibit B containing two (2) redacted copies of the confidential document, or Exhibit C containing a justification table in support of DEF's original Request. The aforementioned exhibits remain on file with the Clerk.

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  
Senior Counsel

MRB/mw  
Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery  
Clause

Docket No. 160009-EI

Dated: April 29, 2016

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**DUKE ENERGY FLORIDA LLC'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, LLC (“DEF” or “Company”), pursuant to Section 366.093, Florida Statutes (“F.S.”), and Rule 25-22.006, Florida Administrative Code (“F.A.C.”), submits its First Request for Extension of Confidential Classification (“Request”) for certain information provided in the final report of the Florida Public Service Commission Staff’s (“Staff”) auditors for the Review of DEF’s Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects Audit Report (the “Audit Report”) No. PA-13-01-001, filed on June 18, 2013 in Docket No. 130009-EI (document no. 03392-13). In support of the Request, DEF states as follows:

1. On June 18, 2013, DEF filed its sixth request for confidential classification for certain information and documents provided in Staff’s Audit Report No. 13-01-001 (document no. 03392-13).<sup>1</sup>

2. DEF’s June 18, 2013 Request was granted by Order No. PSC-14-0646-CFO-EI on November 4, 2014. The period of confidential treatment granted by that order will expire on May 4, 2016. The information continues to warrant treatment as “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Accordingly, DEF is filing its First Request for Extension of Confidential Classification.

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<sup>1</sup> DEF hereby incorporates Exhibits A, B, and C to the June 18, 2013 Request as if fully set forth herein.

3. DEF submits that the information contained in portions of the information provided in Staff's Audit Report No. 13-01-001 contained in DEF's confidential Exhibit A to the June 18, 2013 Request, continues to be "proprietary confidential business information" within the meaning of section 366.093(3), F.S. and continue to require confidential classification. *See* Affidavits of Mark Teague at ¶¶ 3-5, and Christopher Fallon at ¶¶ 3-4, attached as Revised Exhibit "D". 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(1), F.S., such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the Public Records Act. *See* Affidavits of Mark Teague at ¶ 6, and Christopher Fallon at ¶ 5.

4. Nothing has changed since the issuance of Order No. PSC-14-0646-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. 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), F.S.

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

Respectfully submitted this 29<sup>th</sup> day of April, 2016.

*s/Matthew R. Bernier*

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Attorneys for Duke Energy Florida, LLC

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 29<sup>th</sup> day of April, 2016.

s/Matthew R. Bernier

Attorney

<p>Martha Barrera Kyesha Mapp Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:mbarrera@psc.state.fl.us">mbarrera@psc.state.fl.us</a> <a href="mailto:kmapp@psc.state.fl.us">kmapp@psc.state.fl.us</a></p> <p>Kenneth Hoffman Vice President, Regulatory Affairs Florida Power &amp; Light Company 215 S. Monroe Street, Suite 810 Tallahassee, FL 32301-1859 <a href="mailto:ken.hoffman@fpl.com">ken.hoffman@fpl.com</a></p> <p>Jessica Cano Kevin I.C. Donaldson Florida Power &amp; Light Company 700 Universe Boulevard June Beach, FL 33408-0420 <a href="mailto:jessica.cano@fpl.com">jessica.cano@fpl.com</a> <a href="mailto:kevin.donaldson@fpl.com">kevin.donaldson@fpl.com</a></p> <p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a></p> <p>George Cavros 120 E. Oakland Park Blvd, Suite 105 Fort Lauderdale, FL 33334 <a href="mailto:george@cavros-law.com">george@cavros-law.com</a></p>	<p>J.R.Kelly Charles J. Rehwinkel Erik L. Saylor Patty Christensen Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399 <a href="mailto:kelly,jr@leg.state.fl.us">kelly,jr@leg.state.fl.us</a> <a href="mailto:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a> <a href="mailto:saylor.erik@leg.state.fl.us">saylor.erik@leg.state.fl.us</a> <a href="mailto:christensen.patty@leg.state.fl.us">christensen.patty@leg.state.fl.us</a></p> <p>Victoria Mendez Christopher A. Green Xavier Alban Kerri L. McNulty City of Miami 444 SW 2<sup>nd</sup> Avenue, Suite 945 Miami, FL 33130-1910 <a href="mailto:vmendez@miamigov.com">vmendez@miamigov.com</a> <a href="mailto:cagreen@miamigov.com">cagreen@miamigov.com</a> <a href="mailto:xealban@miamigov.com">xealban@miamigov.com</a> <a href="mailto:klmcnulty@miamigov.com">klmcnulty@miamigov.com</a> <a href="mailto:omorera@miamigov.com">omorera@miamigov.com</a></p> <p>Robert Scheffel Wright John T. LaVia III Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 <a href="mailto:schef@gbwlegal.com">schef@gbwlegal.com</a> <a href="mailto:jlavia@gbwlegal.com">jlavia@gbwlegal.com</a></p> <p>James W. Brew Laura A. Wynn Stone Mattheis Xenopoulos &amp; Brew, P.C. 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, D.C. 20007 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:law@smxblaw.com">law@smxblaw.com</a></p>
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# **Exhibit A**

**“CONFIDENTIAL”**

**(On file)**

# **Exhibit B**

**(On file)**

**DUKE ENERGY FLORIDA  
Confidentiality Justification Matrix**

**(On file)**



**Revised Exhibit D  
Affidavit of  
Mark Teague**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery  
Clause

Docket No. 160009-EI

Submitted for filing: April 29, 2016

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**AFFIDAVIT OF MARK R. TEAGUE IN SUPPORT OF DUKE ENERGY  
FLORIDA'S FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Mark R. Teague. I am employed by Duke Energy Business Services in the capacity of Managing Director of Major Projects Sourcing in the Supply Chain Department. I am over the age of 18 years old and I have been authorized to give this affidavit in the above-styled proceeding on behalf of Duke Energy Florida ("DEF" or the "Company"), and in support of DEF's Request for Extension of Confidential Classification (the "Request") regarding certain information contained in the Florida Public Service Commission Staff's ("Staff") Audit Report No. 13-01-001 (the "Audit Report"), filed on June 18, 2013 in Docket No. 130009-EI (document no. 03392-13). The facts attested to in my affidavit are based upon my personal knowledge.

2. As Managing Director of Major Projects, my role includes providing management oversight in the disposition of the Crystal River Unit 3 ("CR3") Extended Power Uprate ("EPU") assets by ensuring that Supply Chain employees at CR3 follow DEF's processes and procedures. I am also responsible for the Supply Chain Functions for Duke Energy International and with most Duke Energy Major Projects, both regulated and non-regulated.

3. DEF is seeking an extension of confidential classification for certain information contained in Staff's Audit Report No. 13-01-001 in Docket No. 130009-EI. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix, Exhibit C. The referenced Exhibits are on file with the Clerk. DEF is requesting an extension of confidential classification of this information because it contains internal audit reports and controls and confidential and proprietary contractual information, the disclosure of which would impair the Company's business interests and efforts to contract for goods or services on favorable terms.

4. DEF negotiates with vendors to obtain competitive contracts for the asset disposition of the EPU Project that provide economic value to DEF and its customers. The disclosure of the confidential contractual information and numbers would impair DEF's competitive business interests and violate DEF's confidentiality agreements with third parties and vendors and potential buyers of EPU assets. In order to negotiate and obtain such contracts at competitive prices, however, DEF must be able to assure its vendors that sensitive business information such as capital costs numbers, settlement information, and other financial terms will be kept confidential. The contracts at issue in this Request contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties; DEF has kept confidential and has not publicly disclosed the confidential information pertaining to the asset disposition of the EPU Project. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and vendors, the Company's efforts to obtain competitive terms for the EPU Project would be undermined.

5. Additionally, portions of the Audit Report reflect DEF's internal strategies for evaluating projects and meeting deadlines. If such information was disclosed to third parties, DEF's efforts to negotiate and obtain favorable contractual terms that provide economic value to

both DEF and its customers may be compromised. The disclosure of confidential information between DEF and its vendors could adversely impact DEF's competitive business interests. If other third parties were made aware of confidential contractual terms that DEF has with other parties, they may offer less competitive contractual terms in future contractual negotiations.

6. Upon receipt of this confidential information, 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. At no time since negotiating and receiving the contracts has the Company publicly disclosed the information or the terms of the contracts at issue. The Company has treated and continues to treat the information at issue as confidential.

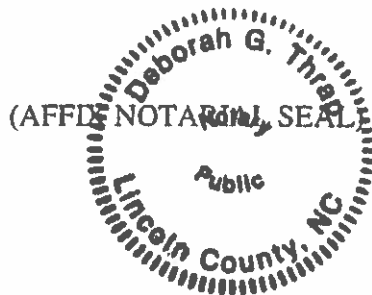
7. This concludes my affidavit.


Further affiant sayeth not.

Dated this 27<sup>th</sup> day of April, 2016.

  
\_\_\_\_\_  
(Signature)  
Mark R. Teague

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 27 day of April, 2016 by Mark R. Teague. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.



  
\_\_\_\_\_  
(Signature)  
Deborah G. Thrap  
\_\_\_\_\_  
(Printed Name)  
NOTARY PUBLIC, STATE OF NC  
\_\_\_\_\_  
19970910128  
\_\_\_\_\_  
(Commission Expiration Date)  
4/25/17  
\_\_\_\_\_  
(Serial Number, If Any)

**Revised Exhibit D  
Affidavit of  
Christopher Fallon**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery  
Clause

Docket No. 160009-EI

Submitted for Filing: April 29, 2016

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**AFFIDAVIT OF CHRISTOPHER M. FALLON IN SUPPORT OF DUKE ENERGY  
FLORIDA'S FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Christopher M. Fallon. I am employed by Duke Energy Business Services in the capacity of Vice President of Nuclear Development. I am over the age of 18 years old and I have been authorized to give this affidavit in the above-styled proceeding on Duke Energy Florida's ("DEF" or the "Company") behalf and in support of DEF's Request for Extension of Confidential Classification (the "Request") regarding certain information contained in the Florida Public Service Commission Staff's ("Staff") audit Report No. 13-01-001 (the "Audit Report"), filed on June 18, 2013 in Docket No. 130009-EI (document no.03392-13). The facts attested to in my affidavit are based upon my personal knowledge.

2. As Vice President of Nuclear Development, I am responsible for the licensing and engineering design for the Levy Nuclear Power Plant Project ("LNP" or "Levy"), including the direct management of the Engineering, Procurement, and Construction ("EPC") Agreement with Westinghouse Electric Company, LLC ("WEC") and Stone & Webster, Inc. ("S&W") (collectively, the "Consortium").

3. DEF is seeking an extension of confidential classification for certain information contained in Staff's Audit Report No. 13-01-001 filed in Docket No. 130009-EI. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix, Exhibit C. The referenced Exhibits are on file with the Clerk. DEF is requesting an extension of confidential classification of this information because it includes internal audit reports and controls, confidential and proprietary contractual information, the disclosure of which would impair the Company's business interests and efforts to contract for goods or services on favorable terms.

4. Additionally, portions of the Audit Report reflect DEF's internal strategies for evaluating projects and meeting deadlines. If such information was disclosed to third parties, DEF's efforts to negotiate and obtain favorable contractual terms that provide economic value to both DEF and its customers may be compromised. The disclosure of confidential information between DEF and its vendors could adversely impact DEF's competitive business interests. If other third parties were made aware of confidential contractual terms that DEF has with other parties, they may offer less competitive contractual terms in future contractual negotiations.

5. Upon receipt of this confidential information, 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. At no time since negotiating and receiving the contracts has the Company publicly disclosed the information or the terms of the contracts at issue. The Company has treated and continues to treat the information at issue as confidential.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated this 26<sup>th</sup> day of April, 2016.

Christopher M Fallon  
(Signature)  
Christopher M. Fallon

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 26 day of April, 2016 by Christopher M. Fallon. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

Teresa D. Neely  
(Signature)

TERESA D. NEELY  
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF NC

September 2, 2020  
(Commission Expiration Date)

\_\_\_\_\_  
(Serial Number, if Any)

