



Matthew R. Bernier  
Associate General Counsel

July 6, 2022

**VIA ELECTRONIC FILING**

Adam Teitzman, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: *Fuel and purchased power cost recovery clause with generating performance incentive factor; Docket No. 20220001-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification for certain information provided in its Response to the OPC's Fifth Request to Produce Documents (Nos. 40-43). The filing includes the following:

- DEF's Request for Confidential Classification
- Slip-sheet for confidential Exhibit A
- Redacted Exhibit B (two copies)
- Exhibit C (justification matrix), and
- Exhibit D (affidavit of Anthony Salvarezza)

DEF's confidential Exhibit A that accompanies the above-referenced was submitted with DEF's Notice of Intent to Request Confidential Classification on June 17, 2022, document number 04088-2022, under separate cover.

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*

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Matthew R. Bernier

MRB/mw  
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Fuel and purchased power cost  
recovery clause with generating performance  
incentive factor.

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Docket No. 20220001-EI

Dated: July 6, 2022

**DUKE ENERGY FLORIDA LLC'S  
REQUEST FOR 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 this Request for Confidential Classification for certain information provided in its response to the Office of the Public Counsel’s (“OPC”) Fifth Request for Production of Documents (Nos. 40-43), dated June 17, 2022, concurrently with DEF’s Notice of Intent to Request Confidential Classification, document number 04088-2022. This Request is timely. *See* Rule 25-22.006(3)(a)1, F.A.C. In support of this Request, DEF states:

1. DEF’s Response to OPC’s Fifth Request for Production of Documents (Nos. 40-43), specifically question 43, contains information that is “confidential proprietary business information” under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing unredacted copies of all the documents for which DEF seeks confidential treatment. Composite Exhibit A was submitted separately in a sealed envelope labeled “CONFIDENTIAL” on June 17, 2022. In the unredacted versions, 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 contains affidavits 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, the information at issue in DEF’s response to Request for Production No. 43, relate to proprietary third-party and technical information regarding the third-party’s proprietary component design and operation parameters. Pursuant to contracts, DEF is obligated to maintain the confidentiality of this information, and therefore it qualifies for confidential classification. The disclosure of this information could adversely affect the Company’s ability to contract on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Anthony Salvarezza at ¶¶ 4 and 5. Furthermore, disclosure of the information could detrimentally impact DEF’s ability to negotiate favorable contracts, thereby harming its competitive interests, ultimately to its customers’ detriment. *See* § 366.093(3)(e), F.S.; Affidavit of Anthony Salvarezza at ¶¶ 4 and 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. The information identified as Exhibit “A” is intended to be and is treated as

confidential by the Company. *See* Affidavit of Anthony Salvarezza at ¶ 6. The information has not been disclosed to the public, and the Company has treated and continues to treat the information at issue as confidential. *See* Affidavit of Anthony Salvarezza at ¶ 6.

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 6<sup>th</sup> day of July, 2022.

*s/Matthew R. Bernier*

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Attorneys for Duke Energy Florida, LLC

Duke Energy Florida, LLC  
**CERTIFICATE OF SERVICE**  
Docket No. 20220001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via email this 6<sup>th</sup> day of July, 2022, to all parties of record as indicated below.

s/Matthew R. Bernier  
Attorney

<p>Suzanne Brownless Ryan Sandy Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:sbrownle@psc.state.fl.us">sbrownle@psc.state.fl.us</a> <a href="mailto:rsandy@psc.state.fl.us">rsandy@psc.state.fl.us</a></p> <p>J. Wahlen / M. Means Ausley McMullen P.O. Box 391 Tallahassee, FL 32302 <a href="mailto:jwahlen@ausley.com">jwahlen@ausley.com</a> <a href="mailto:mmeans@ausley.com">mmeans@ausley.com</a></p> <p>Kenneth A. Hoffman Florida Power &amp; Light Company 134 W. Jefferson Street Tallahassee, FL 32301-1713 <a href="mailto:kenhoffman@fpl.com">kenhoffman@fpl.com</a></p> <p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. FIPUG 118 North Gadsden Street Tallahassee, FL 32301 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a> <a href="mailto:mqualls@moylelaw.com">mqualls@moylelaw.com</a></p> <p>Corey Allain Nucor Steel Florida, Inc. 22 Nucor Drive Frostproof, FL 33843 <a href="mailto:corey.allain@nucor.com">corey.allain@nucor.com</a></p>	<p>Anastacia Pirrello / Richard Gentry Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 <a href="mailto:pirrello.anastacia@leg.state.fl.us">pirrello.anastacia@leg.state.fl.us</a> <a href="mailto:gentry.richard@leg.state.fl.us">gentry.richard@leg.state.fl.us</a></p> <p>Paula K. Brown Regulatory Affairs Tampa Electric Company P.O. Box 111 Tampa, FL 33601-0111 <a href="mailto:regdept@tecoenergy.com">regdept@tecoenergy.com</a></p> <p>Maria Moncada / David Lee Florida Power &amp; Light Company 700 Universe Blvd. (LAW/JB) Juno Beach, FL 33408-0420 <a href="mailto:david.lee@fpl.com">david.lee@fpl.com</a> <a href="mailto:maria.moncada@fpl.com">maria.moncada@fpl.com</a></p> <p>James Brew / Laura W. Baker Stone Mattheis Xenopoulos &amp; Brew, P.C. White Springs/PCS Phosphate 1025 Thomas Jefferson St., N.W. Eighth Floor, West Tower Washington, DC 20007 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:lwb@smxblaw.com">lwb@smxblaw.com</a></p>	<p>Mike Cassel Florida Public Utilities Company 208 Wildlight Avenue Yulee, FL 32097 <a href="mailto:mcassel@fpuc.com">mcassel@fpuc.com</a></p> <p>Michelle D. Napier Florida Public Utilities Company 1635 Meathe Drive West Palm Beach, FL 33411 <a href="mailto:mnapier@fpuc.com">mnapier@fpuc.com</a></p> <p>Beth Keating Gunster, Yoakley &amp; Stewart, P.A. FPUC 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 <a href="mailto:bkeating@gunster.com">bkeating@gunster.com</a></p> <p>Robert Scheffel Wright John T. LaVia, III Florida Retail Federation Gardner, Bist, Bowden, Dee, LaVia, Wright, Perry, &amp; Harper, P.A. 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>Peter J. Mattheis Michael K. Lavanga Joseph R. Briscar Stone, Mattheis, Xenopoulos, &amp; Brew P.C. Nucor 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 <a href="mailto:pjm@smxblaw.com">pjm@smxblaw.com</a> <a href="mailto:mkl@smxblaw.com">mkl@smxblaw.com</a> <a href="mailto:jrb@smxblaw.com">jrb@smxblaw.com</a></p>
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# **Exhibit A**

**“CONFIDENTIAL”**

**(filed under separate cover on June 17, 2022)**

# **Exhibit B**

**REDACTED**

**(one copy)**



Duke Energy Florida, LLC  
Docket No. 20220001-EI  
DEF's Response to OPC POD 5 (40-43)  
Q43

Documents bearing bates numbers  
20220001-DEF-002540 through 20220001-DEF-002551  
are REDACTED in their entirety

# **Exhibit B**

**REDACTED**

**(two copy)**

Duke Energy Florida, LLC  
Docket No. 20220001-EI  
DEF's Response to OPC POD 5 (40-43)  
Q43

Documents bearing bates numbers  
20220001-DEF-002540 through 20220001-DEF-002551  
are REDACTED in their entirety

## Exhibit C

### DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Response to OPC's Fifth Request for Production of Documents (Nos. 40-43), specifically question 43	<b>Question 43:</b> The documents bearing bates numbers 20220001-DEF-002540 through 20220001-DEF-002551 are confidential in their entirety.	§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.

# **Exhibit D**

## **AFFIDAVIT OF ANTHONY SALVAREZZA**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Fuel and purchased power cost recovery  
Clause with generating performance incentive  
Factor

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Docket No. 20220001-EI

Dated: July 6, 2022

**AFFIDAVIT OF ANTHONY SALVAREZZA 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 Anthony Salvarezza, who being first duly sworn, on oath deposes and says that:

1. My name is Anthony Salvarezza. 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 Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the General Manager of Regional Services. I am responsible for leading and directing project engineering, project management, outage management, business planning and specialized maintenance in Regulated and Renewable Energy. My major duties and responsibilities include providing safe, reliable, efficient, economic, environmental, and regulatory compliant maintenance activities through the development and implementation of processes and programs.

3. DEF is seeking confidential classification for certain information provided in its response to the Office of the Public Counsel's ("OPC") Fifth Request for Production of Documents (Nos. 40-43). The confidential information at issue is contained in confidential Exhibit A to DEF's Request and is outlined in DEF's Justification Matrix that is attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains sensitive business information, the disclosure of which would impair the Company's competitive business interests and ability to contract for goods and services on favorable terms.

4. The confidential information at issue relates to proprietary third-party and technical information regarding the third-party's proprietary component design and operation parameters, the disclosure of which would impair the third-party's competitive business interests, and if disclosed, the Company's competitive business interests and efforts to contract for goods or services on favorable terms. In order to contract with third-party vendors on favorable terms, DEF must keep third-party proprietary information confidential.

5. Further, if DEF cannot demonstrate to its third-party vendors and others that may enter into contracts with DEF in the future, that DEF has the ability to protect those third parties' confidential and proprietary business information, third parties will be less likely to provide that information to DEF – harming DEF's ability to prudently operate its business. DEF has not publicly disclosed the information. Without DEF's measures to maintain the confidentiality of this sensitive business information, DEF's ability to contract with third parties could detrimentally impact DEF's ability to negotiate favorable contracts, as third parties may begin to demand a "premium" to do business with DEF to account for the risk that its proprietary

information will become a matter of public record, thereby harming DEF's competitive interests and ultimately its customers' financial interests.

6. Upon receipt of 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 and contracts. At no time since receiving the information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information at issue as confidential.

7. This concludes my affidavit.

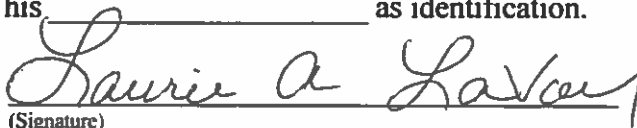
Further affiant sayeth not.

Dated the 30<sup>th</sup> day of June, 2022.



(Signature)  
Anthony Salvarezza  
General Manager – Regional Services

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 30 day of July, 2022 by Anthony Salvarezza. He is personally known to me or has produced his Florida driver's license, or his \_\_\_\_\_ as identification.



(Signature)  
Laurie A Lavoy  
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF Florida

September 11, 2023  
(Commission Expiration Date)

Commission 66367819  
(Serial Number, If Any)



Laurie A. Lavoy  
Commission # GG 367819  
Expires September 11, 2023  
Bonded Thru Budget Notary Services