

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
Recovery clause with generating
Performance incentive factor

Docket No. 20220001-EI

Dated: July 25, 2022

**NOTICE OF FILING AFFIDAVIT IN SUPPORT OF DEF'S SECOND
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, LLC, ("DEF") by and through their undersigned counsel, hereby gives notice of filing the Affidavit of James McClay in support of DEF's Second Request for Extension of Confidential Classification, submitted for filing on April 19, 2022.

Respectfully submitted this 25th day of July, 2022.

s/ Matthew R. Bernier

DIANNE M. TRIPLETT

Deputy General Counsel
Duke Energy Florida, LLC
299 First Avenue North
St. Petersburg, FL 33701
T: 727. 820.4692
F: 727.820.5041
E: Dianne.Triplett@Duke-Energy.com

MATTHEW R. BERNIER

Associate General Counsel
T: (850) 521-1428
F: (727) 820-5041
E: matthew.bernier@duke-energy.com

STEPHANIE A. CUELLO

Senior Counsel
T: (850) 521-1425
F: (727) 820-5041
E: stephanie.cuello@duke-energy.com
FLRegulatoryLegal@duke-energy.com
106 East College Avenue, Suite 800
Tallahassee, Florida 32301

Attorneys for 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 electronic mail to the following this 25th day of July, 2022.

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 sbrownle@psc.state.fl.us rsandy@psc.state.fl.us</p> <p>J. Wahlen / M. Means / V. Ponder Ausley McMullen Tampa Electric Company P.O. Box 391 Tallahassee, FL 32302 jwahlen@ausley.com mmeans@ausley.com vponder@ausley.com</p> <p>Kenneth A. Hoffman Florida Power & Light Company 134 W. Jefferson Street Tallahassee, FL 32301-1713 ken_hoffman@fpl.com</p> <p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. FIPUG 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com mqualls@moylelaw.com</p> <p>Corey Allain Nucor Steel Florida, Inc. 22 Nucor Drive Frostproof, FL 33843 corey.allain@nucor.com</p>	<p>Anastacia Pirrello / Richard Gentry Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 pirrello.anastacia@leg.state.fl.us gentry_richard@leg.state.fl.us</p> <p>Paula K. Brown Regulatory Affairs Tampa Electric Company P.O. Box 111 Tampa, FL 33601-0111 regdept@tecoenergy.com</p> <p>Maria Moncada / David Lee Florida Power & Light Company 700 Universe Blvd. (LAW/JB) Juno Beach, FL 33408-0420 david.lee@fpl.com maria.moncada@fpl.com</p> <p>James Brew / Laura W. Baker Stone Mattheis Xenopoulos & Brew, P.C. White Springs/PCS Phosphate 1025 Thomas Jefferson St., N.W. Eighth Floor, West Tower Washington, DC 20007 jbrew@smxblaw.com lwb@smxblaw.com</p>	<p>Mike Cassel Florida Public Utilities Company 208 Wildlight Avenue Yulee, FL 32097 mcassel@fpuc.com</p> <p>Michelle D. Napier Florida Public Utilities Company 1635 Meathe Drive West Palm Beach, FL 33411 mnapier@fpuc.com</p> <p>Beth Keating Gunster, Yoakley & Stewart, P.A. FPUC 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 bkeating@gunster.com</p> <p>Robert Scheffel Wright John T. LaVia, III Florida Retail Federation Gardner, Bist, Bowden, Dec, LaVia, Wright, Perry, & Harper, P.A. 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p> <p>Peter J. Mattheis Michael K. Lavanga Joseph R. Briscar Stone, Mattheis, Xenopoulos, & Brew P.C. Nucor 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 pjm@smxblaw.com mkl@smxblaw.com jrb@smxblaw.com</p>
---	---	--

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20220001-

EI Dated: May 3, 2022

**AFFIDAVIT OF JAMES MCCLAY IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S
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 James McClay, who being first duly sworn, on oath deposes and says that:

1. My name is James McClay. 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 (Request). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Managing Director of Natural Gas Trading. This section is responsible for natural gas, power, fuel oil and emission allowance activity for the Duke Energy Indiana ("DEI"), Duke Energy Kentucky ("DEK"), Duke Energy Carolinas ("DEC"), Duke Energy Progress ("DEP"), and DEF Systems.

3. As the Managing Director of Trading, I am responsible, along with the other members of the section, for the management of the gas and oil procurement, transportation, hedging activities and administration of gas and oil contracts with various suppliers for DEI's, DEK's, DEC's, DEF's and DEP's electrical power generation facilities.

4. DEF is seeking a Second Extension of confidential classification for certain information contained in Staff's Hedging Audit Work papers, Audit Control No. 2018-058-2-1 (document no. 06164-2018), filed on September 20, 2020 in Docket No. 20180001. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix C. The referenced Exhibits are on file with the Clerk. DEF is requesting a second extension of confidential classification of this information because it contains proprietary confidential 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 fuel suppliers to obtain competitive contracts for fuel options that provide economic value to DEF and its customers. In order to obtain such contracts, however, DEF must be able to assure fuel suppliers that sensitive business information, volumes, and hedging costs, will be kept confidential. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed confidential contract terms such as volumes, hedging costs, and itemized hedging gains/losses. Absent such measures, suppliers 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 fuel suppliers, the Company's efforts to obtain competitive fuel supply contracts could be undermined.

6. Additionally, the disclosure of confidential information in DEF's fuel supply contracts, could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive fuel supply options that provide economic value to both DEF and its customers 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 and contracts. At no time since receiving the contracts and 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 3 day of May, 2022.

James I. McClay III
(Signature)
James McClay III
Managing Director – Gas Trading
Duke Energy
526 South Church
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 3 day of May, 2022 by James McClay. He is personally known to me or has produced his North Carolina driver's license, or his _____ as identification.

Shamale M. Wilson
(Signature)
Shamale M Wilson
(Printed Name)
NOTARY PUBLIC, STATE OF N.C.
July 06, 2026
(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)

SHAMALE M WILSON
Notary Public, North Carolina
Mecklenburg County
My Commission Expires
July 06, 2026

(Serial Number, If Any)