



Stephanie A. Cuello
SENIOR COUNSEL

June 5, 2023

VIA ELECTRONIC FILING

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

Re: *Re: Joint Petition for Approval of Temporary Variance, by Duke Energy Florida, LLC and Peace River Electric Cooperative, Inc.; Docket No. 20230035-EU*

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 First Set of Interrogatories (Nos. 1-6) and OPC’s First Request for Production of Documents (Nos. 1-5). 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 (affidavits of Christopher Menendez and Brandon Mugge)

DEF’s confidential Exhibit A that accompanies the above-referenced was submitted with DEF’s Notice of Intent to Request Confidential Classification on May 17, 2023, under separate cover.

Please note, the original document bates numbered 20230035-DEF/PRECO-0002, submitted on May 17, 2023, was inadvertently marked for DEF’s Response to OPC’s Request for Production of Documents question 2 and should be marked for OPC’s Request for Production of Documents question 4. There are no other changes to the document.

Thank you for your assistance in this matter. If you have any questions concerning this filing, please feel free to contact me at (850) 521-1428.

Sincerely,

/s/ Stephanie A. Cuello

Stephanie A. Cuello

SAC/clg
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for approval of temporary territorial variance, by Duke Energy Florida, LLC and Peace River Electric Cooperative, Inc.

Docket No. 20230035-EU

Dated: June 5, 2023

**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.”), submit this Request for Confidential Classification (the “Request”) for certain information provided in response to the Office of the Public Counsel’s (“OPC”) First Set of Interrogatories (Nos. 1-6) and First Request for Production of Documents (Nos. 1-5) filed concurrently with DEF and PRECO’s Notice of Intent to Request Confidential Classification on May 17, 2023. The Request is timely. *See* Rule 25-22.006(3)(a)1., F.A.C. In support of this Request, DEF states:

1. DEF and PRECO’s response to OPC’s First Set of Interrogatories, specifically question 5, and OPC’s Request for Production, specifically question 4, contain “proprietary confidential 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 an unredacted copy of all the documents for which DEF seeks confidential treatment. Composite Exhibit A was submitted separately in a sealed envelope labeled “CONFIDENTIAL” on May 17, 2023 (Document no. 03282-2023). In the unredacted versions, the information asserted to be confidential is highlighted yellow.

(b) Composite Exhibit B consists of 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, the information at issue relates to proprietary third-party proprietary data and pricing information. 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.; Affidavits of Christopher Menendez and Brandon Mugge at ¶¶ 5-6. 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.; Affidavits of Christopher Menendez and Brandon Mugge at ¶¶ 5-6. 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* Affidavits of Christopher Menendez and Brandon Mugge at ¶ 7. 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* Affidavits of Christopher Menendez and Brandon Mugge at ¶ 7.

5. 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 5th day of June, 2023.

Respectfully submitted,

/s/ Stephanie A. Cuello

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FLRegulatoryLegal@duke-energy.com

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 5th day of June, 2023.

/s/ Stephanie A. Cuello

Attorney

<p>Suzanne Brownless Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us</p> <p>D. Bruce May Holland Law Firm 315 S. Calhoun St., Suite 600 Tallahassee FL 32301 bruce.may@hklaw.com</p> <p>Mr. Randall W. Shaw Peace River Electric Cooperative, Inc. P. O. Box 1310 Wauchula FL 33873-1310 randy.shaw@preco.coop</p>	<p>Charles Rehwinkel / Danijela Janjic Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 rehwinkel.charles@leg.state.fl.us Janjic.Danijela@leg.state.fl.us</p>
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Exhibit A

“CONFIDENTIAL”

submitted under separate cover on
May 17, 2023 (Document no. 03282-2023)

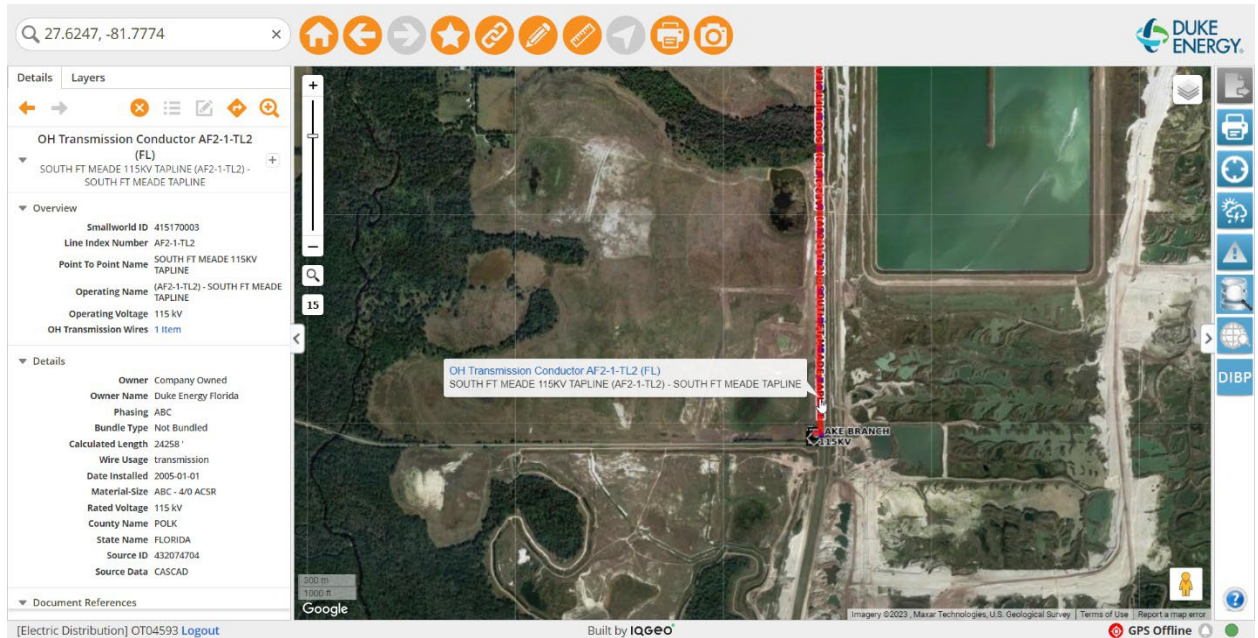
Exhibit B

REDACTED

(copy one)

REDACTED

As demonstrated by the screenshot below, this substation is interconnected with only one Duke Energy Florida-owned transmission radial line. [REDACTED] owns other electrical facilities that are interconnected with this substation. Therefore, only [REDACTED] load is served from this substation.

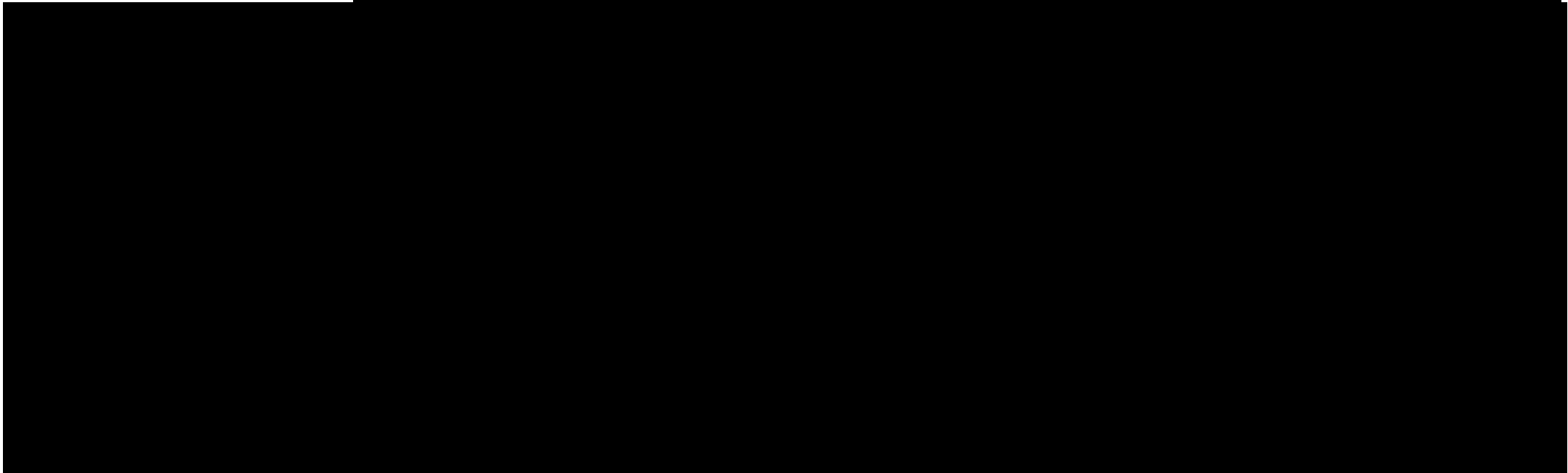


6. Will DEF utilize the Lake Branch Substation after it is transferred to PRECO? If yes, under what terms or tariff will DEF be charged by PRECO?

Response:

No.

DUKE ENERGY FLORIDA
 Revenue Analysis - Preco Substation Option
 DRAFT - FOR DISCUSSION PURPOSES ONLY



Non-Fuel Revenue:	6.55%		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
	NPV	Nominal										
██████████ Load ¹	4.5	6.6	-	-	-	0.4	1.7	1.7	1.7	1.2	-	-
Lake Branch/██████████ Load (Preco) ²	(0.2)	(0.2)	-	-	-	-	-	(0.1)	(0.1)	(0.1)	-	-
Substation Payment ³	-	-	-	-	-	-	-	-	-	-	-	-
	<u>4.3</u>	<u>6.4</u>										

Assumptions:

- ¹ ██████████ load, ~ 20MWs, assumed to start Q4 2024 and run through Q3 2028
- ² Lake Branch/██████████ Load represent the load and revenues Preco will acquire from DEF as part of this transaction
- ³ Substation payment reflects Preco payment to DEF for acquisition of the Lake Branch substation, a nominal payment of ~ \$1
- * Revenues are all non-fuel revenues, net of voltage, interruptible and metering credits.
- * Discount rate of 6.55% obtained from IRP, and sourced from Treasury
- * Preco acquires the substation beginning 2026 and takes over Lake Branch sub load.
- * Lake Branch substation scheduled for retirement at the end of 2028; therefore, DEF projects no post-retirement Lake Branch revenues

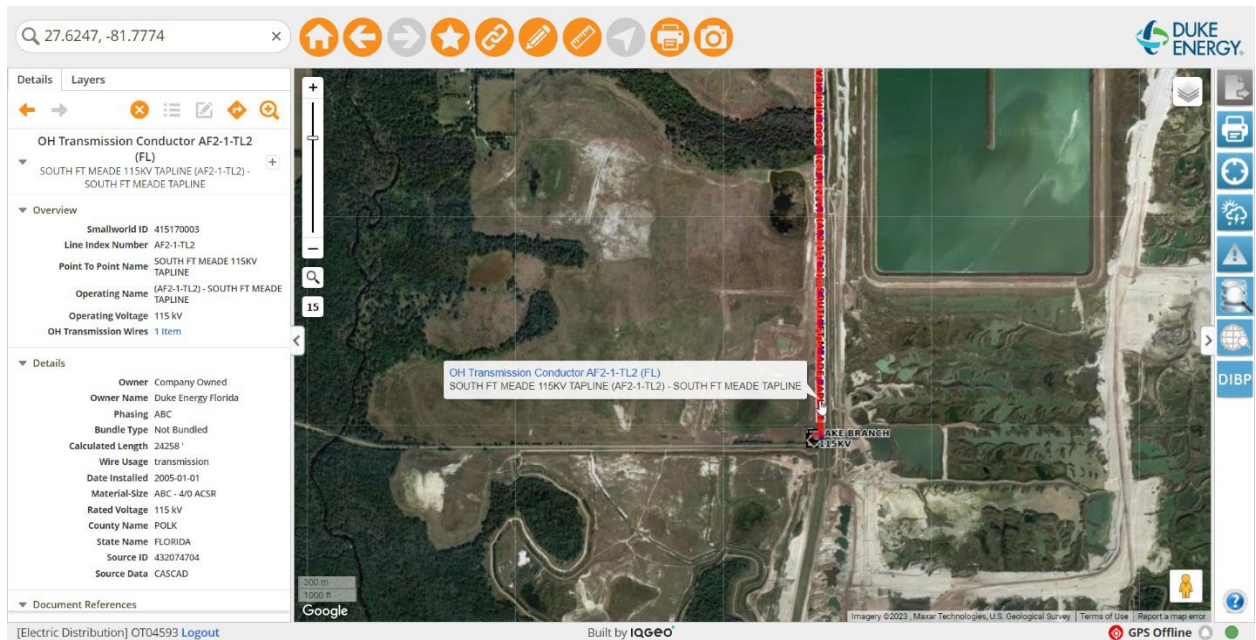
Exhibit B

REDACTED

(copy two)

REDACTED

As demonstrated by the screenshot below, this substation is interconnected with only one Duke Energy Florida-owned transmission radial line. [REDACTED] owns other electrical facilities that are interconnected with this substation. Therefore, only [REDACTED] load is served from this substation.

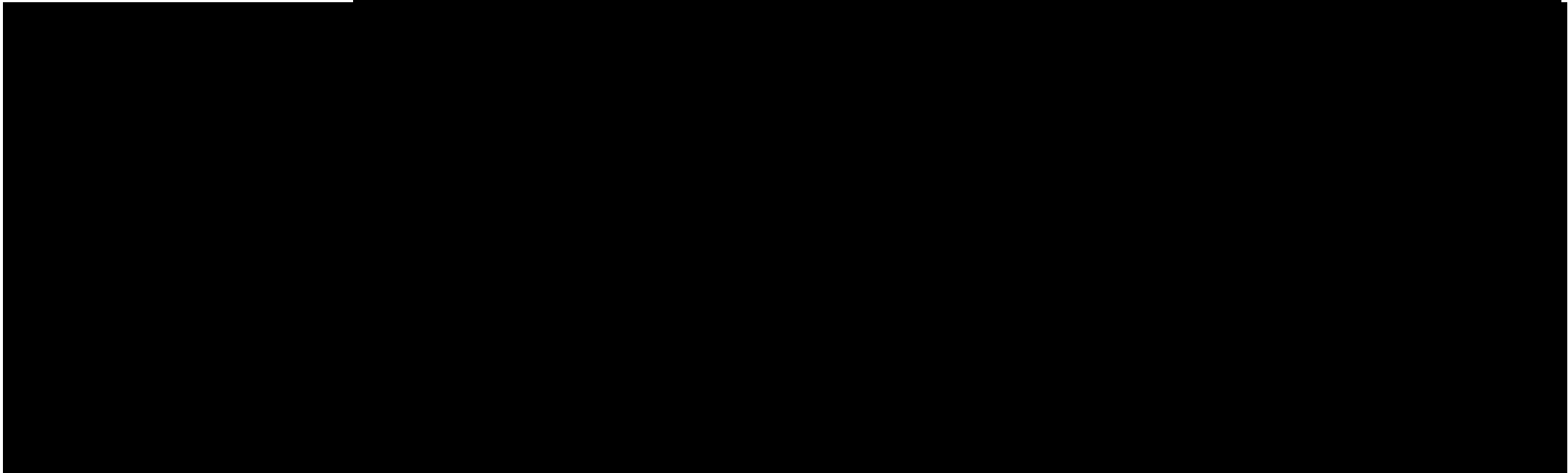


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 Revenue Analysis - Preco Substation Option
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Non-Fuel Revenue:	6.55%		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
	NPV	Nominal										
██████████ Load ¹	4.5	6.6	-	-	-	0.4	1.7	1.7	1.7	1.2	-	-
Lake Branch/██████████ Load (Preco) ²	(0.2)	(0.2)	-	-	-	-	-	(0.1)	(0.1)	(0.1)	-	-
Substation Payment ³	-	-	-	-	-	-	-	-	-	-	-	-
	<u>4.3</u>	<u>6.4</u>										

Assumptions:

- ¹ ██████████ load, ~ 20MWs, assumed to start Q4 2024 and run through Q3 2028
- ² Lake Branch/██████████ Load represent the load and revenues Preco will acquire from DEF as part of this transaction
- ³ Substation payment reflects Preco payment to DEF for acquisition of the Lake Branch substation, a nominal payment of ~ \$1
- * Revenues are all non-fuel revenues, net of voltage, interruptible and metering credits.
- * Discount rate of 6.55% obtained from IRP, and sourced from Treasury
- * Preco acquires the substation beginning 2026 and takes over Lake Branch sub load.
- * Lake Branch substation scheduled for retirement at the end of 2028; therefore, DEF projects no post-retirement Lake Branch revenues

**DUKE ENERGY FLORIDA
Confidentiality Justification Matrix**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF & PRECO’s Response to OPC’s First Set of Interrogatories (Nos. 1-6), specifically question 5</p>	<p>Question 5: The information in the beginning of the second sentence before “owns” is confidential.</p> <p>The information in the third sentence, after “only” and before “load” is confidential.</p>	<p>§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.</p> <p>§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.</p>
<p>DEF & PRECO’s Response to OPC’s First Request for Production (Nos. 1-5), specifically questions 2 and 4</p>	<p>Identified as Question 2 on header should be Question 4: Attachment bearing bates numbers 20230035-DEF-0002: The second line in the heading before “Revenue” is confidential.</p> <p>The information under the column titled “Non-Fuel Revenue” before “Load¹”, and the information after “Branch” and before “Load” is confidential.</p> <p>The information under the column titled “Assumptions” and before “Load”, and the information after “Branch” and before “Load” is confidential.</p>	<p>§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.</p> <p>§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.</p>

Exhibit D

AFFIDAVIT OF CHRISTOPHER MENENDEZ

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for approval of temporary territorial variance, by Duke Energy Florida, LLC and Peace River Electric Cooperative, Inc.

Docket No. 20230035-EU

Dated: June 5, 2023

**AFFIDAVIT OF CHRISTOPHER MENENDEZ 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 Christopher Menendez, who being first duly sworn, on oath deposes and says that:

1. My name is Christopher Menendez. 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 Director of Rates and Regulatory Planning in the Rates and Regulatory Strategy Department. This department is responsible for the Company's revenue requirements and rate impacts, regulatory planning, and cost recovery.

3. As the Director of Rates and Regulatory Planning, I am responsible for the Company's regulatory planning and cost recovery.

4. DEF is seeking confidential classification for information contained in DEF and PRECO's Response to OPC's First Request for Production of Documents (Nos. 1-5), specifically question 4. 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.

5. The confidential information at issue relates to proprietary third-party information regarding proprietary data and pricing information, the disclosure of which would impair 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.

6. Further, 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.

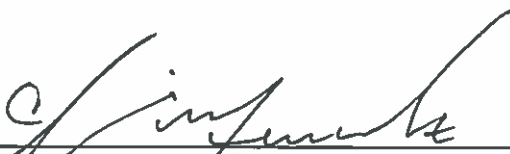
7. Upon receipt of its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including restricting access to those persons who need the information to assist the Company, and restricting the 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.

8. This concludes my affidavit.


Further affiant sayeth not.

Dated the 1st day of June, 2023.



Christopher Menendez
Director of Rates & Regulatory Planning
Rates & Regulatory Strategy

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 1st day of June, 2023 by Christopher Menendez. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.



(Signature)
Sandra L Brice

(Printed Name)
NOTARY PUBLIC, STATE OF _____

(AFFIX NOTARIAL SEAL)

(Commission Expiration Date)

(Serial Number, If Any)



Exhibit D

AFFIDAVIT OF BRANDON MUGGE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for approval of temporary territorial variance, by Duke Energy Florida, LLC and Peace River Electric Cooperative, Inc.

Docket No. 20230035-EU

Dated: June 5, 2023

**AFFIDAVIT OF BRANDON MUGGE IN SUPPORT OF
DUKE ENERGY FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF JEFFERSON

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

1. My name is Brandon Mugge. 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 Manager of Florida's Centralized Design Team in the Customer Delivery Department. This section is responsible for overall distribution engineering design of our territorial agreements group, along with underground subdivision electrical design, and primary metering facility auditing.

3. As the Manager of Florida's Centralized Design Team, I am responsible, along with the other members of the section, for strategic and tactical planning for territorial agreements field design and distribution level negotiations, subdivision design

management over design practices and prioritization, and distribution primary metering facility communication with various of Florida Customer Delivery departments.

4. DEF is seeking confidential classification for information contained in DEF and PRECO's Response to OPC's First Set of Interrogatories (Nos. 1-6), specifically question 5. 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.

5. The confidential information at issue relates to proprietary third-party information regarding proprietary data and pricing information, the disclosure of which would impair 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.

6. Further, 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.


7. 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.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 30th day of May, 2023.



Brandon Mugge
Manager of Florida's Centralized Design Team

30th THE FOREGOING INSTRUMENT was sworn to and subscribed before me this day of May, 2023 by Brandon Mugge. He is personally known to me or has produced his Florida driver's license, or his _____ as identification.



(Signature) Christina Kolstad

(Printed Name)

NOTARY PUBLIC, STATE OF Florida

April 18, 2027
(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



(Serial Number, If Any)