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FPSC - COMMISSION CLERK

Dianne M. Triplett  
DEPUTY GENERAL COUNSEL

December 19, 2023

**VIA ELECTRONIC FILING**

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

Re: *Petition by Duke Energy Florida, LLC, to Approve Transaction for Accelerated Decommissioning Services at CR3 facility, Transfer of Title to Spent Fuel and Associated Assets, and Assumption of Operations of CR3 Facility Pursuant to the NRC License, and Request for Waiver from Future Application of Rule 25-6.04365, F.A.C. for Nuclear Decommissioning Study.; Docket No. 20190140-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC (“DEF”), DEF’s Second Request for Extension of Confidential Classification concerning certain information contained in DEF’s Response to Staff’s Third Set of Interrogatories and Revised Exhibit D, Affidavit of Gene Flavors Jr. 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 (727) 820-4692 should you have any questions concerning this filing.

Sincerely,

*/s/ Dianne M. Triplett*

Dianne M. Triplett

DMT/mw  
Enclosure

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re. Duke Energy Florida, LLC’s Petition to approve transaction for accelerated decommissioning services at CR3 facility, transfer of title to spent fuel and associated assets, and assumption of operations of CR3 facility pursuant to the NRC license and request for waiver from future application of Rule 25-6.04365, F.A.C. for nuclear decommissioning study.

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Docket No. 20190140-EI

Dated: December 19, 2023

**DUKE ENERGY FLORIDA, LLC’S  
SECOND 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 this Second Request for Extension of Confidential Classification (the “Request”) for certain information contained in DEF’s Response to Staff’s Third Set of Interrogatories (Nos. 17-20), served on October 18, 2019. In support of this Request, DEF states:

1. On November 15, 2019, DEF filed its Third Request for Confidential Classification (document number 10939-2019), for certain information contained in DEF’s Response to Staff’s Third Set of Interrogatories (Nos. 17-20), specifically questions 19 and 20, as it contains “confidential proprietary business information” under Section 366.093(3), Florida Statutes.

2. DEF’s November 15, 2019 Request was granted by Order No. PSC-2019-0533-CFO-EI on December 19, 2019. On June 17, 2021, DEF filed its First Request for Extension of Confidential Classification which was granted by Order No. PSC-2022-0241-CFO-EI on June 27, 2022. The period of confidential treatment granted by that order will expire on December 27, 2023.

The period of confidential treatment granted by that order will expire on June 20, 2021. 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 Second Request for Extension of Confidential Classification.

3. DEF submits that the information contained in DEF’s Response to Staff’s Third Set of Interrogatories, identified in Exhibit “A” and Exhibit “C” to the November 15, 2019, Request<sup>1</sup> continues to be “proprietary confidential business information” within the meaning of section 366.093(3), F.S. and continue to require confidential classification. *See* Affidavit of Gene Flavors, Jr. at ¶¶4-6 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* Affidavit of Gene Flavors, Jr. at ¶¶ 7-8.

4. Nothing has changed since the issuance of Order No. PSC-2019-0533-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 Second

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<sup>1</sup> DEF hereby incorporates Exhibits A, B, and C to the Request, Document No. 10939-2019 submitted on November 15, 2019 in docket no. 20190140-EI as if attached hereto.

Request for Confidential Classification be granted.

Respectfully submitted this 19<sup>th</sup> day of December, 2023.

/s/ Dianne M. Triplett

**DIANNE M. TRIPLETT**

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**CERTIFICATE OF SERVICE**

*Docket No. 20190140-EI*

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 19<sup>th</sup> day of December, 2023, to all parties of record as indicated below.

/s/ Dianne M. Triplett

Attorney

<p>Suzanne Brownless Florida 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></p> <p>Jon C. Moyle, Jr. / Karen A. Putnal Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a> <a href="mailto:kputnal@moylelaw.com">kputnal@moylelaw.com</a> <a href="mailto:mqualls@moylelaw.com">mqualls@moylelaw.com</a></p>	<p>Charles J. Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399 <a href="mailto:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a></p> <p>James W. Brew / Laura Wynn Baker Stone Mattheis Xenopoulos &amp; Brew, PC 1025 Thomas Jefferson St., N.W. Suite 800 West Washington, DC 20007-5201 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:lwb@smxblaw.com">lwb@smxblaw.com</a></p>
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# **Exhibit A**

**“CONFIDENTIAL”**

**(on file)**

# **Exhibit B**

**REDACTED**

**(on file)**

**Exhibit C**

**DUKE ENERGY FLORIDA, LLC  
Confidentiality Justification Matrix**

**(on file)**



**Revised**  
**Exhibit D**

**AFFIDAVIT OF**  
**GENE FLAVORS, JR.**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Petition by Duke Energy Florida, LLC to Approve Transaction with Accelerated Decommissioning Partners, LLC for Accelerated Decommissioning Services at the CR3 Facility, Transfer of Title to Spent Fuel, and Assumption of Operations of the CR3 Facility Pursuant to the NRC License, and Request for Waiver from Future Application of Rule 25-6.04365, F.A.C. for Nuclear Decommissioning Study

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DOCKET NO.: 20190140-EI

Dated: December 19, 2023

**AFFIDAVIT OF GENE FLAVORS, JR. IN SUPPORT OF  
DUKE ENERGY FLORIDA, LLC'S  
SECOND 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 Gene Flavors, Jr., who being first duly sworn, on oath deposes and says that:

1. My name is Gene Flavors, Jr.. I am over the age of eighteen (18) and I have been authorized by Duke Energy Florida, LLC (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 ("DEF's Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the General Manager for the Decommissioning of the DEF Crystal River Unit 3 Nuclear Plant (the CR3 Facility).

3. As the General Manager, I am responsible for ensuring that Accelerated Decommissioning Partners and Duke Energy Florida comply with their contractual obligations during the decommissioning of the CR3 Facility and that Duke Energy Florida meets its reporting obligations to the Florida Public Service Commission.

4. DEF is seeking its second extension of confidential classification for certain information contained in DEF's Response to Staff's Third Set of Interrogatories (Nos. 17-20), specifically questions 19 and 20, served on October 18, 2019. 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 an extension of confidential classification of this information because it contains competitively sensitive commercial confidential business information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.

5. The confidential information at issue relates to commercially sensitive and contractual obligations pertaining to the terms and conditions set forth in a contract between DEF, ADP CR3, LLC and ADP SFI, LLC for decommissioning activities related to the accelerated decommissioning of the CR3 Facility, including information from the transaction, such as pricing. The disclosure of such information would not only impair the Company's competitive business advantages but would also violate contractual requirements. DEF is obligated to maintain the confidentiality of this information under the subject contract, and therefore it qualifies for confidential classification.

6. DEF negotiates with contracting parties to obtain competitive contracts that provide economic and other benefits to DEF's customers. If DEF cannot assure contracting parties that it can maintain the confidentiality of contractual terms, those parties and other similarly situated parties may forego entering contracts with DEF, which would impair the Company to negotiate such contracts on favorable terms.

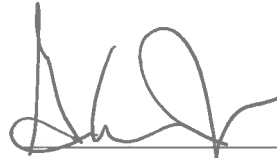
7. The information identified as Exhibit A is intended to be and is treated as confidential by the Company. With respect to the information at issue in DEF's Request, such information has not been disclosed to the public, and the Company has treated and continues to treat such information as confidential.

8. 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.

9. This concludes my affidavit.

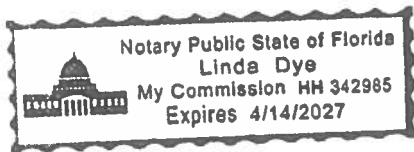
Further affiant sayeth not.

Dated the 3<sup>rd</sup> day of December, 2023.



Gene Flavors, Jr.  
General Manager  
Duke Energy Crystal River, Unit 3  
Nuclear Plant

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 3<sup>rd</sup> day of December, 2023 by Gene Flavors, Jr.. He is personally known to me or has produced his North Carolina driver's license, or his \_\_\_\_\_ as identification.



(AFFIX NOTARIAL SEAL)



(Signature)

Linda Dye

(Printed Name)

NOTARY PUBLIC, STATE OF Florida

04/14/2027

(Commission Expiration Date)

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