



Matthew R. Bernier
Associate General Counsel

May 16, 2024

VIA ELECTRONIC FILING

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

Re: *Storm Protection Plan Cost Recovery Clause*; Docket No. 20240010-EI

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC (“DEF”), DEF’s First Request for Extension of Confidential Classification concerning certain information provided in its Response to Staff’s First Request for Production of Documents (No. 1), filed in docket no. 20220010-EI and Revised Exhibit D, Affidavits of Robert Brong and Robert McCabe. 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

MRB/mw
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm Protection Plan Cost Recovery
Clause

Docket No. 20240010-EI

Dated: May 16, 2024

**DUKE ENERGY FLORIDA LLC'S
FIRST 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 First Request for Confidential Classification for certain information provided in its response to the Staff of the Florida Public Service Commission’s (“Staff”) First Request to Produce Documents (No. 1), filed in docket no. 20220010. In support of this Extension Request, DEF states:

1. On July 5, 2022, DEF filed a Request for Confidential Classification (document number 04473-2022) regarding certain information contained in DEF’s Response to Staff’s First Request to Produce Documents (No. 1), specifically documents bearing bates numbers 20220010-DEF-000001 through 20220010-DEF-000239, respectively, contain “proprietary confidential business information” under § 366.093(3), Florida Statutes.

2. DEF’s July 5, 2022 Request was granted by Order No. PSC-2022-0395CFO-EI on November 16, 2022. The period of confidential treatment granted by that order will expire on May 16, 2024. 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.

3. DEF submits that the confidential information contained in DEF's Response to Staff's First Request to Produce Documents (No. 1), specifically documents bearing bates numbers 20220010-DEF-000001 through 20220010-DEF-000239, identified in Exhibit "A" and Exhibit "C" to the July 5, 2022, Request¹ 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 Robert Brong and Robert McCabe at ¶¶3-5, 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 Robert Brong and Robert McCabe at ¶¶ 5-6.

4. Nothing has changed since the issuance of Order No. PSC- 2022-00395-CFO-EI on November 16, 2022, 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.

¹ DEF hereby incorporates Exhibits A, B, and C to the original Request, Document No. 04473-2022 submitted on July 5, 2022 in Docket Number 20220010-EI as if attached hereto

RESPECTFULLY SUBMITTED this 16th day of May, 2024.

/s/Matthew R. Bernier

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Attorneys for Duke Energy Florida, LLC

CERTIFICATE OF SERVICE
Docket No. 20240010-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by electronic mail this 16th day of May 2024, to all parties of record as indicated below.

s/ Matthew R. Bernier

Attorney

<p>Shaw Stiller / Daniel Dose / Jennifer Crawford Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sstiller@psc.state.fl.us ddose@psc.state.fl.us jcrawfor@psc.state.fl.us</p> <p>Kenneth Hoffman Florida Power & Light 134 West Jefferson St. Tallahassee, FL 32301-1713 ken.hoffman@fpl.com</p> <p>Christopher T. Wright / Davide Lee Florida Power & Light 700 Universe Boulevard (JB/LAW) Juno Beach FL 33408-0420 christopher.wright@fpl.com david.lee@fpl.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>Michelle Napier / Phuong Nguyen Florida Public Utilities Company 1635 Meathe Drive West Palm Beach, Florida 33411 mnapier@fpuc.com pnguyen@chpk.com</p> <p>Jon C. Moyle Jr. Moyle Law Firm FIPUG 118 North Gadsden St. Tallahassee, FL 32301 jmoyle@moylelaw.com mqualls@moylelaw.com</p> <p>James W. Brew / Laura Wynn Baker / Sarah B. Newman Stone Mattheis Xenopoulos & Brew, P.C. PCS Phosphate –White Springs 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 jbrew@smxblaw.com lwb@smxblaw.com sbn@smxblaw.com</p> <p>Peter J. Mattheis / Michael K. Lavanga / Joseph R. Briscar Stone Mattheis Xenopoulos & Brew, PC NUCOR 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 pjm@smxblaw.com mkl@smxblaw.com jrb@smxblaw.com</p>	<p>W. Trierweiler / P. Christensen / C. Rehwinkel / M. Wessling / O. Ponce/ A. Watrous Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 trierweiler.walt@leg.state.fl.us christensen.patty@leg.state.fl.us rehwinkel.charles@leg.state.fl.us wessling.mary@leg.state.fl.us ponce.octavio@leg.state.fl.us watrous.austin@leg.state.fl.us</p> <p>Paula K. Brown Tampa Electric Company Regulatory Affairs P.O. Box 11 Tampa, FL 33601-0111 regdept@tecoenergy.com</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>
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Exhibit A

“CONFIDENTIAL”

(on file)

Exhibit B

REDACTED

(on file)

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix (on file)

**Revised
Exhibit D**

**AFFIDAVIT OF
ROBERT MCCABE**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm Protection Plan Cost Recovery
Clause

Docket No. 20240010-EI

Dated: May 16, 2024

**AFFIDAVIT OF ROBERT MCCABE IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Robert McCabe. 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 First Request for Extension of Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Manager of Project Development and Project Management. I am responsible for managing the project development group for Storm Protection Plan and major project work in addition to providing support for the regulatory filings.

3. DEF is seeking an extension of confidential classification for certain information provided in its response to Staff's First Request for Production of Documents (No. 1), specifically documents, bearing bates numbers 20220010-DEF-000001 through 20220010-DEF-000239. 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 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 and confidential internal processes and procedures, costs, and internal policies and guidelines. DEF must ensure that sensitive business information is kept confidential, the disclosure of which would impair the Company's competitive interests and ability to contract on favorable terms.

5. Further, if the information at issue was disclosed, DEF's efforts to obtain contracts that provide economic value to both DEF and its customers could be compromised – 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, the Company's efforts to obtain competitive contracts could be undermined and could detrimentally impact DEF's ability to negotiate favorable contracts.

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. 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 ____ day of _____, 2024.

(Signature)

Robert McCabe
Manager of Project Development and Project
Management

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ____ day
of _____, 2024 by Robert McCabe. He is personally known to me or has produced his
_____ driver's license, or his _____ as identification.

(Signature)

(Printed Name)

NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

**Revised
Exhibit D**

**AFFIDAVIT OF
ROBERT BRONG**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm Protection Plan Cost Recovery
Clause

Docket No. 20240010-EI

Dated: May 16, 2024

**AFFIDAVIT OF ROBERT MCCABE IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF ORANGE

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

1. My name is Robert (Bob) McCabe. 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 First Request for Extension of Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Manager of Project Development and Project Management. This department is responsible for planning for grid upgrades, system planning, and overall Distribution asset management strategy across DEF and the Project Management for executing the work identified.

3. DEF is seeking an extension of confidential classification for certain information provided in its response to Staff's First Request for Production of Documents (No. 1), specifically documents, bearing bates numbers 20220010-DEF-000001 through 20220010-DEF-000239. 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 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 and confidential internal processes and procedures, costs, and internal policies and guidelines. DEF must ensure that sensitive business information is kept confidential, the disclosure of which would impair the Company's competitive interests and ability to contract on favorable terms.

5. Further, if the information at issue was disclosed, DEF's efforts to obtain contracts that provide economic value to both DEF and its customers could be compromised – 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, the Company's efforts to obtain competitive contracts could be undermined and could detrimentally impact DEF's ability to negotiate favorable contracts.

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. 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 _____ day of _____, 2024.

(Signature)
Robert McCabe
Manager of Project Development and Project
Management

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ___ day of _____, 2024 by Robert McCabe. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.

(Signature)

(AFFIX NOTARIAL SEAL)

(Printed Name)
NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)