



Dianne M. Triplett  
DEPUTY GENERAL COUNSEL

May 28, 2024

**VIA OVERNIGHT MAIL**

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

Re: Docket 20240025-EI, Petition for Rate Increase by Duke Energy Florida, LLC

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 Responses to OPC's Seventh Set of Interrogatories (Nos. 144-210) and Request for Production of Documents (Nos. 66-77). 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 Caldwell, Goff, Lloyd, Olivier, Panizza, and Scott)

DEF's confidential Exhibit A that accompanies the above-referenced was submitted with DEF's Notice of Intent to Request Confidential Classification on May 7, 2024, under separate cover.

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.

Respectfully,

*/s/ Dianne M. Triplett*

Dianne M. Triplett

DMT/mw  
Attachments

**CERTIFICATE OF SERVICE**

*Docket No. 20240025-EI*

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 28<sup>th</sup> day of May, 2024, to the following:

*/s/ Dianne M. Triplett*  
Dianne M. Triplett

Jennifer Crawford / Major Thompson / Shaw Stiller Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:JCrawfor@psc.state.fl.us">JCrawfor@psc.state.fl.us</a> <a href="mailto:MThomps@psc.state.fl.us">MThomps@psc.state.fl.us</a> <a href="mailto:SStiller@psc.state.fl.us">SStiller@psc.state.fl.us</a> <a href="mailto:discovery-gcl@psc.state.fl.us">discovery-gcl@psc.state.fl.us</a>	Walt Trierweiler / Charles J. Rehwinkel / Mary Wessling / Austin Watrous Office of Public Counsel 111 W. Madison St., Rm 812 Tallahassee, FL 32399 <a href="mailto:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a> <a href="mailto:trierweiler.walt@leg.state.fl.us">trierweiler.walt@leg.state.fl.us</a> <a href="mailto:watrous.austin@leg.state.fl.us">watrous.austin@leg.state.fl.us</a> <a href="mailto:wessling.mary@leg.state.fl.us">wessling.mary@leg.state.fl.us</a>
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by Duke Energy Florida, LLC  
for rate increase

DOCKET NO. 20240025-EI

Dated: May 28, 2024

**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 (“Request”) for certain information contained in its Response to OPC’s Seventh Request for Production of Documents (Nos. 66-77) and Seventh Set of Interrogatories (Nos. 144-210). DEF’s Notice of Intent to Request Confidential Classification was filed May 7, 2024. This Request is timely. *See* Rule 25-22.006(3)(a)1, E.A.C. In support of this Request, DEF states:

1. Documents responsive to OPC’s Seventh Request for Production of Documents, specifically, Questions 66, 68, 71, and 72, and OPC’s Seventh Set of Interrogatories, specifically, Questions 155, 158, 160, 166, 186, 206, 207, and 208, contain “confidential proprietary business information” under Section 366.093(3), F.S.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing unredacted copies of all documents for which DEF seeks confidential treatment. Composite Exhibit A was submitted separately in a sealed envelope labeled “CONFIDENTIAL” on May 7, 2024. 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 DEF 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 includes affidavits of Edward L. Scott, Brian M. Lloyd, John R. Panizza, Marcia J. Olivier, Shannon Caldwell, and Vanessa Goff, attesting to the confidential nature of the information identified in Exhibit C.

3. As indicated in Exhibits C and D, the information for which DEF requires confidential classification is “proprietary confidential business information” within the meaning of § 366.093(3), F.S. Specifically:

(a) The information at issue in DEF’s response to OPC’s Seventh Set of Interrogatories, Question 186, includes internal sensitive business information regarding future projects and capital investments. That information relates to DEF’s competitive business interests, and, absent confidential classification, disclosure of that information would impair DEF’s ability to compete in the marketplace.

(b) The information at issue in DEF’s responses to OPC’s Seventh Set of Interrogatories, Questions 155, 158, 160, 166, and 186, includes pricing information relating to contracts for goods and services. Disclosure of this non-public information could alter contractors’ behavior to the detriment of DEF, its customers, and its affiliates. Thus,

absent confidential classification, DEF and its affiliates' efforts to contract for goods and services on favorable terms may be impaired.

(c) The information at issue in DEF's responses to OPC's Seventh Set of Interrogatories, Questions 206-208, includes internal sensitive business information relating to DEF's actual and estimated property tax rates. That information relates to DEF's competitive business interests, and, absent confidential classification, disclosure of that information would impair DEF's ability to compete in the marketplace.

(d) The information at issue in DEF's responses to OPC's Seventh Request for Production of Documents, Question 72, includes internal sensitive business information regarding DEF's long-term strategic plans as well as future transmission projects and capital investments. That information relates to DEF's competitive business interests, and, absent confidential classification, its disclosure would impair DEF's ability to compete in the marketplace.

(e) The information at issue in DEF's response to OPC's Seventh Request for Production of Documents, Questions 66 and 68, includes internal sensitive business information that relates to internal compensation procedures and amounts, as well as incentive plans, the disclosure of which would impair the efforts of the Company to negotiate on favorable terms. Additionally, if the information at issue was disclosed, DEF's efforts to obtain employees at a competitive rate that provides economic value to both DEF and its customers could be compromised. With this non-public information, employers and potential hires could alter their behavior to the detriment of DEF and its customers. Absent confidential classification, competitors would have access to this sensitive business information, which may impair DEF's ability to effectively hire employees at a competitive

rate (and, thus, to contract for goods and services on favorable terms).

4. The information identified in Exhibits A and C is intended to be and is treated as confidential by DEF. *See* Exhibit D. Further, that information has not been disclosed to the public. *See* Exhibit D.

5. It follows that the information identified in Exhibits A and C is proprietary confidential information, which would cause harm to DEF and ratepayers if disclosed and which is exempt from disclosure under the Public Records Act pursuant to § 366.093(3), F.S.

6. Accordingly, 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 be granted.

RESPECTFULLY SUBMITTED this 28th day of May, 2024.

/s/Dianne M. Triplett

**DIANNE TRIPLETT**

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Attorneys for Duke Energy Florida, LLC

**CERTIFICATE OF SERVICE**  
**Docket No. 20240025-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 28th day of May, 2024.

/s/ Dianne M. Triplett  
Attorney

<p>Jennifer Crawford / Major Thompson /  Shaw Stiller  Office of General Counsel  Florida Public Service Commission  2540 Shumard Oak Blvd.  Tallahassee, FL 32399-0850  <a href="mailto:JCrawfor@psc.state.fl.us">JCrawfor@psc.state.fl.us</a>  <a href="mailto:MThomпсо@psc.state.fl.us">MThomпсо@psc.state.fl.us</a>  <a href="mailto:SStiller@psc.state.fl.us">SStiller@psc.state.fl.us</a></p>	<p>Walt Trierweiler / Charles J. Rehwinkel /  Mary Wessling / Austin Watrous  Office of Public Counsel  111 W. Madison St., Rm 812  Tallahassee, FL 32399  <a href="mailto:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a>  <a href="mailto:trierweiler.walt@leg.state.fl.us">trierweiler.walt@leg.state.fl.us</a>  <a href="mailto:watrous.austin@leg.state.fl.us">watrous.austin@leg.state.fl.us</a>  <a href="mailto:wessling.mary@leg.state.fl.us">wessling.mary@leg.state.fl.us</a></p>
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<p>Sari Amiel  Sierra Club  50 F St. NW, Eighth Floor  Washington, DC 20001  <a href="mailto:sari.amiel@sierraclub.org">sari.amiel@sierraclub.org</a></p> <p>James W. Brew / Laura Wynn Baker /  Sarah B. Newman  Stone Mattheis Xenopoulos &amp; Brew, PC  PCS Phosphate-White Springs  1025 Thomas Jefferson Street, NW  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>  <a href="mailto:sbn@smxblaw.com">sbn@smxblaw.com</a></p>	<p>Peter J. Mattheis / Michael K. Lavanga /  Joseph R. Briscar  Stone Mattheis Xenopoulos &amp; Brew, PC  NUCOR  1025 Thomas Jefferson Street, NW  Suite 800 West  Washington, DC 20007-5201  <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> <p>William C. Garner  Law Office of William C. Garner, PLLC  SACE  3425 Bannerman Road  Unit 105, No. 414  Tallahassee, FL 32312  <a href="mailto:bgarner@wcgloffice.com">bgarner@wcgloffice.com</a></p>



# Exhibit A

**“CONFIDENTIAL”**

**(filed under separate cover on May 7, 2024)**

# **Exhibit B**

**REDACTED**

**(copy-one)**

# **Exhibit B**

**REDACTED**

**(copy-two)**

# Exhibit C

## DUKE ENERGY FLORIDA Confidentiality Justification Matrix

RESPONSE/DOCUMENT	PAGE/LINE	JUSTIFICATION
DEF's Response to OPC's Seventh Request for Production of Documents (Nos. 66-77), specifically, Question 66.	<b>Question 66:</b> Documents bearing bates numbers 20240025-OPCPOD7-00017308 through 20240025-OPCPOD7-00017441 are confidential in their entirety.	§366.093(3)(d), F.S. The documents in question contain confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.
DEF's Response to OPC's Seventh Request for Production of Documents (Nos. 66-77), specifically, Question 68.	<b>Question 68:</b> The second and third sentences provided in DEF's written response to Question 68 are confidential in their entirety.	§366.093(3)(d), F.S. The documents in question contain confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.
DEF's Response to OPC's Seventh Request for Production of Documents (Nos. 66-77), specifically, Question 71.	<b>Question 71:</b> Documents bearing bates numbers 20240025-OPCPOD7-00017442 through 20240025-OPCPOD7-00017582 are confidential in their entirety.	§366.093(3)(d), F.S. The documents in question contain confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.
DEF's Response to OPC's Seventh Request for Production of Documents (Nos. 66-77), specifically, Question 72.	<b>Question 72:</b> Documents bearing bates numbers 20240025-OPCPOD7-00017583 through 20240025-OPCPOD7-00017970 are confidential in their entirety.	§366.093(3)(e), F.S. The documents in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.

<p>DEF's Response to OPC's Seventh Set of Interrogatories (Nos. 144-210), specifically, Question 155.</p>	<p><b>Question 155:</b> The document bearing bates number 20240025-OPCROG7-00018105 is confidential in its entirety.</p>	<p>§366.093(3)(e), F.S. The documents in question contain 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>§366.093(3)(d), F.S. The documents in question contain confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p>
<p>DEF's Response to OPC's Seventh Set of Interrogatories (Nos. 144-210), specifically, Question 158.</p>	<p><b>Question 158:</b> The document bearing bates number 20240025-OPCROG7-00018107 through is confidential in its entirety.</p>	<p>§366.093(3)(e), F.S. The documents in question contain 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>§366.093(3)(d), F.S. The documents in question contain confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p>
<p>DEF's Response to OPC's Seventh Set of Interrogatories (Nos. 144-210), specifically, Question 160.</p>	<p><b>Question 160:</b> Documents bearing bates numbers 20240025-OPCROG7-00018109</p>	<p>§366.093(3)(e), F.S. The documents in question contain confidential information</p>

	<p>through 20240025-OPCPOD7-00018110 are confidential in their entirety.</p>	<p>relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p> <p>§366.093(3)(d), F.S. The documents in question contain confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p>
<p>DEF's Response to OPC's Seventh Set of Interrogatories (Nos. 144-210), specifically, Question 166.</p>	<p><b>Question 166:</b> The document bearing bates number 20240025-OPCROG7-00018112 is confidential in its entirety.</p>	<p>§366.093(3)(e), F.S. The documents in question contain 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>§366.093(3)(d), F.S. The documents in question contain confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p>
<p>DEF's Response to OPC's Seventh Set of Interrogatories (Nos. 144-210), specifically, Question 186.</p>	<p><b>Question 186:</b> The document bearing bates number 20240025-OPCROG7-00018141 is confidential in their entirety.</p>	<p>§366.093(3)(e), F.S. The documents in question contain confidential information relating to competitive business interests, the disclosure of which would impair the</p>

		<p>competitive business of the provider/owner of the information.</p> <p>§366.093(3)(d), F.S. The documents in question contain confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p>
<p>DEF's Response to OPC's Seventh Set of Interrogatories (Nos. 144-210), specifically, Questions 206-208.</p>	<p><b>Question 206-208:</b> Documents bearing bates numbers 20240025-OPCROG7-00024924 through 20240025-OPCROG7-00024926 are confidential in their entirety.</p>	<p>§366.093(3)(e), F.S. The documents in question contain 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**

**AFFIDAVITS OF EDWARD  
L. SCOTT, BRIAN M.  
LLOYD, JOHN R.  
PANIZZA, MARCIA J.  
OLIVIER, SHANNON  
CALDWELL, AND  
VANESSA GOFF**



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by Duke Energy Florida, LLC  
for rate increase

DOCKET NO. 20240025-EI

Dated: May 28, 2024

**AFFIDAVIT OF SHANNON CALDWELL IN SUPPORT OF  
DUKE ENERGY FLORIDA, LLC'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Shannon Caldwell. 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 a Director of Compensation of Duke Energy Business Services LLC. That section provides various administrative and other services to Duke Energy, DEF, and other affiliated companies of Duke Energy Corporation.

3. As the Director of Compensation, I am responsible for broad-based compensation for Duke Energy, including all of Duke Energy's affiliated regulated and non-regulated companies, like DEF. I am responsible for compensation design and strategy, management of key vendor

relationships, compensation administration and compliance.

4. DEF is seeking confidential classification for information contained in documents produced in response to the Office of Public Counsel's ("OPC") Seventh Request for Production of Documents, Question 66. A detailed description of the confidential information at issue is contained in confidential Exhibit A to DEF's Request and is outlined in DEF's Confidentiality Justification Matrix that is attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information for the reasons set forth below.

5. Documents produced in response to the OPC's Seventh Request for Production of Documents, Question 66, contain internal sensitive business information that relates to internal compensation procedures and incentive plans, the disclosure of which would impair the efforts of DEF to negotiate on favorable terms. Additionally, if the information at issue was disclosed, DEF's efforts to obtain employees at a competitive rate that provides economic value to both DEF and its customers could be compromised. With this non-public information, employers and potential hires could alter their behavior to the detriment of DEF and its customers. Absent confidential classification, competitors would have access to this sensitive business information, which may impair DEF's ability to effectively hire employees at a competitive rate (and, thus, to contract for goods and services on favorable terms).

6. Upon receipt of 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 DEF. At no time since receiving the information in question has DEF publicly disclosed that information. DEF 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)  
Shannon Caldwell  
Director, Compensation  
Duke Energy Business Services, LLC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2024 by Shannon Caldwell. She is personally known to me or has produced her \_\_\_\_\_ driver's license, or her \_\_\_\_\_ as identification.

(AFFIX NOTARIAL SEAL)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)  
NOTARY PUBLIC, STATE OF \_\_\_\_\_

\_\_\_\_\_  
(Commission Expiration Date)

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