



Dianne M. Triplett  
DEPUTY GENERAL COUNSEL

May 29, 2024

**VIA ELECTRONIC 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 Fourth Request for Production of Documents (Nos. 33-38). 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 (affidavit of Benjamin Borsch)

DEF's confidential Exhibit A that accompanies the above-referenced was submitted with DEF's Notice of Intent to Request Confidential Classification on May 8, 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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 20240025-EI

Dated: May 29, 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 Fourth Request for Production of Documents (Nos. 33-38). DEF’s Notice of Intent to Request Confidential Classification was filed May 8, 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 Fourth Request for Production of Documents, specifically, Question 33, 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 8, 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 an affidavit of Benjamin H. Borsch, 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, the information at issue in DEF’s response to OPC’s Fourth Set of Interrogatories, Question 33, includes internal sensitive business information relating to DEF’s Ten-Year Site Plan, including DEF’s projections with respect to customer and load growth and DEF’s plan to service that growth. Those projections (and corresponding plan) are proprietary and relate to DEF’s competitive business interests. Absent confidential classification, disclosure of that information would impair DEF’s ability to compete in the marketplace.

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 29th day of May, 2024.

/s/Dianne M. Triplett

**DIANNE TRIPLETT**

Deputy General Counsel

299 1st Avenue North

St. Petersburg, Florida 33701

T: (727) 820-4692

E: [dianne.triplett@duke-energy.com](mailto:dianne.triplett@duke-energy.com)

**MATTHEW R. BERNIER**

Associate General Counsel

106 East College Avenue, Suite 800

Tallahassee, Florida 32301

T: (850) 521-1428

E: [matt.bernier@duke-energy.com](mailto:matt.bernier@duke-energy.com)

**STEPHANIE A. CUELLO**

Senior Counsel

106 East College Avenue, Suite 800

Tallahassee, Florida 32301

T: (850) 521-1425

E: [stephanie.cuello@duke-energy.com](mailto:stephanie.cuello@duke-energy.com)

[FLRegulatoryLegal@duke-energy.com](mailto:FLRegulatoryLegal@duke-energy.com)

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 29th day of May, 2024.

/s/ Dianne M. Triplett  
Attorney

|  |   |
|--|---|
| <p>Jennifer Crawford / Major Thompson /<br/> Shaw Stiller<br/> Office of General Counsel<br/> Florida Public Service Commission<br/> 2540 Shumard Oak Blvd.<br/> Tallahassee, FL 32399-0850<br/> <a href="mailto:JCrawfor@psc.state.fl.us">JCrawfor@psc.state.fl.us</a><br/> <a href="mailto:MThomпсо@psc.state.fl.us">MThomпсо@psc.state.fl.us</a><br/> <a href="mailto:SStiller@psc.state.fl.us">SStiller@psc.state.fl.us</a></p>  | <p>Walt Trierweiler / Charles J. Rehwinkel /<br/> Mary Wessling / Austin Watrous<br/> Office of Public Counsel<br/> 111 W. Madison St., Rm 812<br/> Tallahassee, FL 32399<br/> <a href="mailto:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a><br/> <a href="mailto:trierweiler.walt@leg.state.fl.us">trierweiler.walt@leg.state.fl.us</a><br/> <a href="mailto:watrous.austin@leg.state.fl.us">watrous.austin@leg.state.fl.us</a><br/> <a href="mailto:wessling.mary@leg.state.fl.us">wessling.mary@leg.state.fl.us</a></p>   |
| <p>Jon C. Moyle, Jr. / Karen A. Putnal<br/> Moyle Law Firm, P.A.<br/> FIPUG<br/> 118 North Gadsden Street<br/> Tallahassee, Florida 32301<br/> <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a><br/> <a href="mailto:kputnal@moylelaw.com">kputnal@moylelaw.com</a></p>  | <p>Bradley Marshall / Jordan Luebkekmann<br/> Earthjustice<br/> LULAC &amp; FL Rising<br/> 111 S. Martin Luther King Jr. Blvd.<br/> Tallahassee, Florida 32301<br/> <a href="mailto:bmarshall@earthjustice.org">bmarshall@earthjustice.org</a><br/> <a href="mailto:jluebkekmann@earthjustice.org">jluebkekmann@earthjustice.org</a></p>  |
| <p>Tony Mendoza / Patrick Woolsey<br/> Sierra Club<br/> 2101 Webster Street Suite 1300<br/> Oakland, CA 94612<br/> <a href="mailto:tony.mendoza@sierraclub.org">tony.mendoza@sierraclub.org</a><br/> <a href="mailto:patrick.woolsey@sierraclub.org">patrick.woolsey@sierraclub.org</a></p>  | <p>Robert Scheffel Wright / John T. LaVia, III<br/> Gardner, Bist, Bowden, Dee, LaVia, Wright, Perry &amp;<br/> Harper, P.A.<br/> Florida Retail Federation<br/> 1300 Thomaswood Drive<br/> Tallahassee, Florida 32308<br/> <a href="mailto:schef@gbwlegal.com">schef@gbwlegal.com</a><br/> <a href="mailto:jlavia@gbwlegal.com">jlavia@gbwlegal.com</a></p>  |
| <p>Sari Amiel<br/> Sierra Club<br/> 50 F St. NW, Eighth Floor<br/> Washington, DC 20001<br/> <a href="mailto:sari.amiel@sierraclub.org">sari.amiel@sierraclub.org</a></p> <p>James W. Brew / Laura Wynn Baker /<br/> Sarah B. Newman<br/> Stone Mattheis Xenopoulos &amp; Brew, PC<br/> PCS Phosphate-White Springs<br/> 1025 Thomas Jefferson Street, NW<br/> Suite 800 West<br/> Washington, DC 20007-5201<br/> <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a><br/> <a href="mailto:lwb@smxblaw.com">lwb@smxblaw.com</a><br/> <a href="mailto:sbn@smxblaw.com">sbn@smxblaw.com</a></p> | <p>Peter J. Mattheis / Michael K. Lavanga /<br/> Joseph R. Briscar<br/> Stone Mattheis Xenopoulos &amp; Brew, PC<br/> NUCOR<br/> 1025 Thomas Jefferson Street, NW<br/> Suite 800 West<br/> Washington, DC 20007-5201<br/> <a href="mailto:pjm@smxblaw.com">pjm@smxblaw.com</a><br/> <a href="mailto:mkl@smxblaw.com">mkl@smxblaw.com</a><br/> <a href="mailto:jrb@smxblaw.com">jrb@smxblaw.com</a></p> <p>William C. Garner<br/> Law Office of William C. Garner, PLLC<br/> SACE<br/> 3425 Bannerman Road<br/> Unit 105, No. 414<br/> Tallahassee, FL 32312<br/> <a href="mailto:bgarner@wcgloffice.com">bgarner@wcgloffice.com</a></p> |

# Exhibit A

**“CONFIDENTIAL”**

**(filed under separate cover on May 8, 2024)**

# **Exhibit B**

**REDACTED**

**(copy-one)**

REDACTED  
DOCUMENTS BEARING BATES NUMBERS  
20240025-OPCPOD4-00018077 through 20240025-  
OPCPOD4-00018096



# **Exhibit B**

**REDACTED**

**(copy-two)**

**REDACTED**  
**DOCUMENTS BEARING BATES NUMBERS**  
**20240025-OPCPOD4-00018077 through 20240025-**  
**OPCPOD4-00018096**

# Exhibit C

## DUKE ENERGY FLORIDA Confidentiality Justification Matrix

| RESPONSE/DOCUMENT   | PAGE/LINE  | JUSTIFICATION  |
|---|--|--|
| DEF's Response to OPC's Fourth Request for Production of Documents (Nos. 33-38), specifically, Question 33. | <b>Question 33:</b><br>Documents bearing bates numbers 20240025-OPCPOD4-00018077 through 20240025-OPCPOD4-00018096 are confidential in their entirety. | §366.093(3)(e), F.S.<br>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. |

# **Exhibit D**

## **AFFIDAVIT OF BENJAMIN H. BORSCH**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 20240025-EI

Dated: May 29, 2024

**AFFIDAVIT OF BENJAMIN H. BORSCH IN SUPPORT OF  
DUKE ENERGY FLORIDA, LLC'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Benjamin H. Borsch. 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 employed by DEF as Managing Director of Integrated Resource Planning and Analytics.

3. As Managing Director of Integrated Resource Planning and Analytics, I am responsible for directing the resource planning process for DEF in an integrated approach in order to find the most cost-effective alternatives to meet DEF's obligation to serve its customers in

Florida. In this capacity, I oversee numerous studies to evaluate the system impact and cost effectiveness of various proposed and alternative generation projects. I oversee the completion of the Company's Ten-Year Site Plan ("TYSP") filed each April.

4. DEF is seeking confidential classification for information contained in response to the Office of the Public Counsel's ("OPC") Fourth Request for Production of Documents, Question 33. A detailed description of the confidential information at issue is contained in 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 confidential information for the reasons set forth below.

5. Documents produced in response to OPC's Fourth Request for Production of Documents, Question 33, contain confidential information. Specifically, those documents contain internal sensitive business information relating to DEF's Ten-Year Site Plan, including DEF's projections with respect to customer and load growth and DEF's plan to service that growth. Those projections (and the corresponding plan) are proprietary and relate to DEF's competitive business interests. Thus, absent confidential classification, disclosure of that information would impair DEF's ability to compete in the marketplace.

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)  
Benjamin H. Borsch  
Managing Director, Integrated Resource Planning  
and Analytics  
Duke Energy Florida, LLC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this \_\_\_\_ day  
of \_\_\_\_\_, 2024 by Benjamin H. Borsch. He is personally known to me or has produced his  
\_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

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

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

(AFFIX NOTARIAL SEAL)

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

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