



Dianne M. Triplett
DEPUTY GENERAL COUNSEL

June 21, 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 Amended Request for Confidential Classification filed in connection with certain information provided in the direct testimony of Helmuth Schultz, III and Exhibit No. HWS-3, the direct testimony of William Dunkel, and Exhibit JRD-17, to the direct testimony of James Dauphinais, filed on behalf of the Office of the Public Counsel. The filing includes the following:

- DEF’s Request for Confidential Classification
- Slip-sheet for confidential Revised Exhibit A
- Redacted Exhibit B (two copies)
- Exhibit C (justification matrix), and
- Exhibit D (affidavits of Reginald Anderson and Misty Easton and Amended Affidavit of Vanessa Goff)

DEF’s confidential Revised Exhibit A that accompanies the above-referenced filing has been submitted under separate cover.

In the original filing, the confidential information regarding Exhibit JRD-17, to the direct testimony of James Dauphinais. was inadvertently omitted from the filing. There are no other changes to the filing. Please replace previous filing with the attached.

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/mh
Attachments

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20240025-EI

Dated June 21, 2024

**DUKE ENERGY FLORIDA, LLC's
AMENDED 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 Amended Request for Confidential Classification for certain information contained Direct Testimony of Helmuth W. Schultz, III (“Schultz”) and Exhibit No. HWS-3, the Direct Testimony of William W. Dunkel (“Dunkel”) and the Direct Testimony of James R. Dauphinais (“Dauphinais”), and Exhibit JRD-17, filed on behalf of the Office of Public Counsel (“OPC”), under claim of confidentiality on June 11, 2024. DEF filed its Notice of Intent to Request Confidential Classification on June 11, 2024. This Request is timely. *See* Rule 25-22.006(3)(a)1, F.A.C. In support of this Request, DEF states:

1. Information contained in the Testimony of Schultz, specifically pages 40 and 41, and Exhibit HWS-3 of Schultz, specifically pages 255 through 291 and 615, contain “proprietary confidential business information” under § 366.093(3), Florida Statutes.

2. Information contained in the testimony of Dunkel, specifically pages 8, 9, 24, 25, and 37, contain “proprietary confidential business information” under § 366.093(3), Florida Statutes.

3. Information contained in Exhibit JRD-17, to the Direct Testimony of Dauphinais, specifically page 90 of 100, contains proprietary confidential business information under § 366.093(3), Florida Statutes

4. The following exhibits are included with this request:

(a) Sealed Composite Revised Exhibit A is a package containing unredacted copies of all the documents for which DEF seeks confidential treatment. Composite Revised Exhibit A is being submitted separately in a sealed envelope labeled “CONFIDENTIAL.” 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 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.

5. 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 includes proprietary information, the disclosure of which would impair the Company’s competitive business interests, and if disclosed, the Company’s competitive business interests and efforts to contract for goods and services on favorable terms. *See* § 366.093(3)(d) & (e), F.S.; Affidavits of Misty Easton-, Reginald Anderson and Vanessa Goff at ¶¶ 5 and 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.

6. Additionally, the information relates to internal practices and procedures and contract information. If DEF cannot demonstrate to vendors that may enter into contracts with DEF in the future, that DEF has the ability to protect confidential and proprietary business information, vendors will be less likely to enter into contracts with DEF – harming DEF’s ability to prudently operate its business. See § 366.093(3)(d) & (e), F.S.; Affidavits of Reginald Anderson, Vanessa Goff and Misty Easton at ¶¶ 4, 5 and 6. Furthermore, disclosure of the information 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. See § 366.093(3)(e), F.S.; Affidavits of Reginald Anderson and Vanessa Goff at ¶ 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.

7. The information identified as Revised Exhibit “A” is intended to be and is treated as confidential by the Company. See Affidavits of Reginald Anderson, and Vanessa Goff at ¶ 7 and Misty Easton at ¶ 6, respectively. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. See Affidavits of Reginald Anderson, Vanessa Goff and Misty Easton at *See id.*

8. DEF requests that the information identified in Revised 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 21st day of June, 2024.

/s/ Dianne M. Triplett

DIANNE M. TRIPLETT

Deputy General Counsel

299 First Avenue North

St. Petersburg, FL 33701

T: 727. 820.4692

E: Dianne.Triplett@Duke-Energy.com

MATTHEW R. BERNIER

Associate General Counsel

106 E. College Avenue, Suite 800

Tallahassee, FL 32301

T: 850.521.1428

E: 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

FLRegulatoryLegal@duke-energy.com

MOLLY JAGANNATHAN

molly.jagannathan@troutman.com

MELISSA O. NEW

melissa.butler@troutman.com

Troutman Pepper, LLC

600 Peachtree Street NE, Ste. 3000

Atlanta, GA 30308

T: (404) 885-3939

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 by electronic mail this 21st day of June, 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
JCrawfor@psc.state.fl.us
MThomps@psc.state.fl.us
SStiller@psc.state.fl.us
discovery-gel@psc.state.fl.us

Jon C. Moyle, Jr. / Karen A. Putnal
Moyle Law Firm, P.A.
FIPUG
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com

Tony Mendoza / Patrick Woolsey
Sierra Club
2101 Webster Street Suite 1300
Oakland, CA 94612
tony.mendoza@sierraclub.org
patrick.woolsey@sierraclub.org

Sari Amiel
Sierra Club
50 F St. NW, Eighth Floor
Washington, DC 20001
sari.amiel@sierraclub.org

Walt Trierweiler / Charles J. Rehwinkel /
Mary Wessling / Austin Watrous
Office of Public Counsel
111 W. Madison St., Rm 812
Tallahassee, FL 32399
rehwinkel.charles@leg.state.fl.us
trierweiler.walt@leg.state.fl.us
watrous.austin@leg.state.fl.us
wessling.mary@leg.state.fl.us

Bradley Marshall / Jordan Luebkmann /
Hema Lochan
Earthjustice
LULAC & FL Rising
111 S. Martin Luther King Jr. Blvd.
Tallahassee, Florida 32301
bmarshall@earthjustice.org
jluebkmann@earthjustice.org
hlochan@earthjustice.org
flcaseupdates@earthjustice.org

Robert Scheffel Wright / John T. LaVia,
III
Gardner, Bist, Bowden, Dee, LaVia,
Wright, Perry & Harper, P.A.
Florida Retail Federation
1300 Thomaswood Drive
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com

Peter J. Mattheis / Michael K. Lavanga /
Joseph R. Briscar
Stone Mattheis Xenopoulos & Brew, PC
NUCOR
1025 Thomas Jefferson Street, NW
Suite 800 West
Washington, DC 20007-5201
pjm@smxblaw.com
mkl@smxblaw.com
jrb@smxblaw.com

James W. Brew / Laura Wynn Baker /
Sarah B. Newman
Stone Mattheis Xenopoulos & Brew, PC
PCS Phosphate-White Springs
1025 Thomas Jefferson Street, NW
Suite 800 West
Washington, DC 20007-5201
jbrew@smxblaw.com
lwb@smxblaw.com
sbn@smxblaw.com

William C. Garner
Law Office of William C. Garner, PLLC
SACE
3425 Bannerman Road
Unit 105, No. 414
Tallahassee, FL 32312
bgarner@wcglawoffice.com

Nikhil Vijaykar
Keyes & Fox LLP
EVgo Services, LLC
580 California St., 12th Floor
San Francisco, CA 94104
nvijaykar@keyesfox.com

Lindsey Stegall
EVgo Services, LLC
11835 W. Olympic Blvd., Ste. 900E
Los Angeles, CA 90064
Lindsey.Stegall@evgo.com

Frederick L. Aschauer, Jr., Esq.
Allan J. Charles, Esq.
Lori Killinger, Esq.
Lewis, Longman & Walker P.A.
AACE / Circle K / RaceTrac / Wawa
106 East College Avenue, Suite 1500
Tallahassee, Florida 32301
fAschauer@llw-law.com
acharles@llw-law.com
killinger@llw-law.com
jmelchior@llw-law.com

Revised Exhibit A

“CONFIDENTIAL”

(filed under separate cover)

Exhibit B

REDACTED

(copy-one)

1 common problem. The bottom line is that from 2018 to 2023, not one employee under the
 2 DEF incentive compensation plan was excluded from the incentive payment because of
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 20 incentive compensation, to have an incentive target below the true EPS goal.

21 In similar fashion, another financial goal that fails to encourage improvement is found in
 22 the metric of controlling the level of O&M expense incurred. The 2021 allowed minimum
 23 requirement was increased 11.8% from the actual 2020 achievement of \$4,830 million to

1 \$5,400 million. The objective here should be to limit the minimum goal to the last
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 3 The 2022 allowed minimum O&M spending target of \$5,365 million was 3.8% higher than
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 5 Appropriately, the Company set a minimum in 2023 of \$4,790 million. That creates an
 6 incentive to reduce costs. The achievement for 2023 was \$4,536 million. But in [REDACTED] the
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 9 incentive for improvement in spending control is inadequate.

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 11 **Q. WHY DID YOU FOCUS ON EPS AS BEING THE PRIMARY METRIC?**

12 A. EPS is primary since this metric is focused on providing a benefit to shareholders and it is
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ARE REDACTED IN THEIR ENTIRETY.

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1 these ARO dismantlement/retirement cost obligation being recovered from ratepayers
2 through the ARO process.⁴⁷

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4 **Q. Are actual land leases for some of the DEF solar farms available in the confidential**
5 **files?**

6 A. Yes. Although I have had no need to refer to them in the prior discussion, DEF states the
7 actual leases are available in the Confidential files for three of the DEF solar plants that are
8 on leased land. Regarding three of these solar farms, DEF was asked:

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10 contains the lease term which stipulates what removal of facilities is
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19 ***** BEGIN CONFIDENTIAL PER DEF DESIGNATION *****

20 [REDACTED]:

21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

⁴⁷ [REDACTED]
[REDACTED]
[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*** END CONFIDENTIAL PER DEF DESIGNATION***

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16 **XI. Neither Mr. Kopp Nor 1898 & Co Have Ever Participated In an Actual Dismantlement**

17 **Q. What did DEF provide pertaining to the future dismantlement of production**
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20 “1898 & Co.” DEF recommends that significant charges to the ratepayers be based on the
21 Dismantlement Cost estimates prepared by Mr. Kopp of “1898 & Co.”

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2 2047 is just an assumption, and a very costly assumption.

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4 **Q. How much are the annual costs to maintain and repair the Hines Cooling Pond?**

5 A. The DEF response to discovery shows that the annual costs to maintain and repair the Hines
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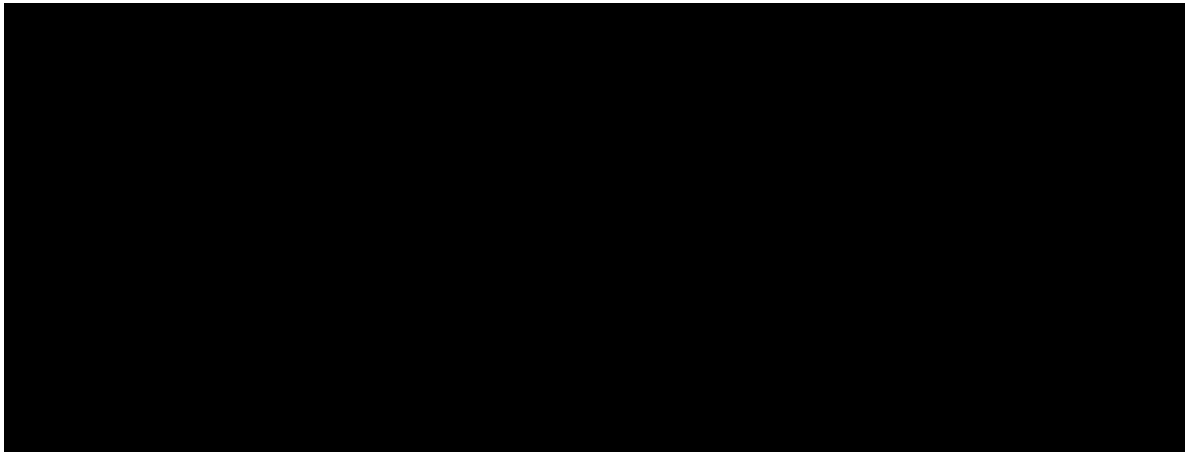
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14 *** END CONFIDENTIAL PER DEF DESIGNATION ***

15 The assumption used in the prior (2020) DEF dismantlement study, which is that DEF will
16 **not** dismantle the cooling pond when Hines Unit 4 retires,⁶⁹ should continue to be used.

⁶⁸ DEF response to OPC's Tenth Set of Interrogatories, No. 257.

⁶⁹ See page 162 (also called Exhibit 6, page 117 of 142) of Order No. PSC-2021-0202A-AS-EI, (Docket Nos. 201990110-EI, 20190110-EI, and 20210016-EI).

REDACTED

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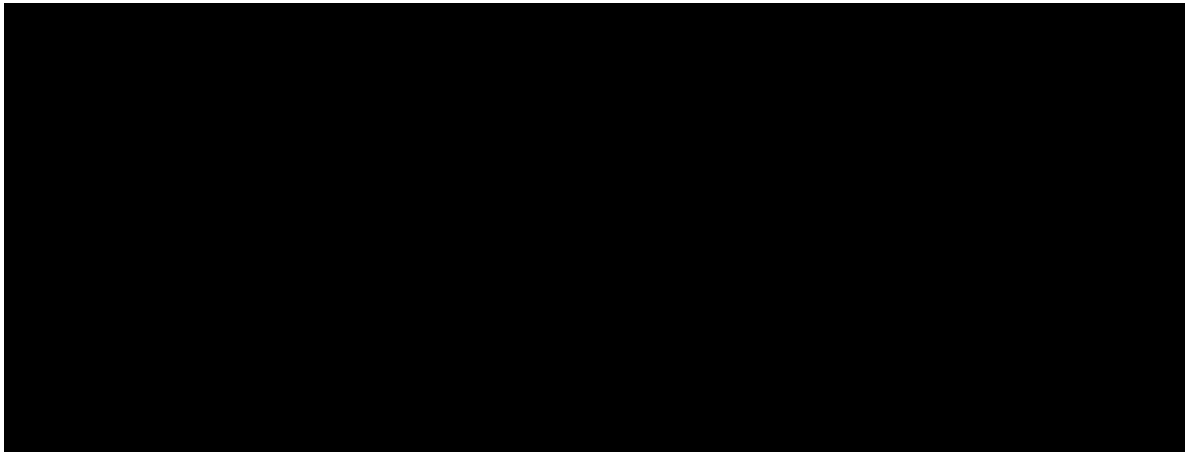
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2026 - Project #4	-	June 2026	June 2027	Expected 1Q 2026	3Q 2026		
2027 - Project #1	-	June 2027	June 2027	Expected 1Q 2026	3Q 2026		
2027 - Project #2	-	June 2027	June 2027	Expected 1Q 2026	3Q 2026		
2027 - Project #3	-	June 2027	December 2027	Expected 3Q 2026	1Q 2027		
2027 - Project #4	-	June 2027	December 2027	Expected 3Q 2026	1Q 2027		

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

RESPONSE/DOCUMENT	PAGE/LINE	JUSTIFICATION
Direct Testimony of Helmuth Schultz, III and Exhibit HWS-3	<p>Page 40: Line 15-information after “The” and before “according” is confidential.</p> <p>Line 17-information after “of” and before The” is confidential.</p> <p>Page 41: Line 6- The information after “in” and before “the” is confidential.</p> <p>Line 8- The information before “a level” is confidential.</p> <p>Exhibit HWS-3: Pages 255 through 291 of 622 are confidential in their entirety. Page 615 of 622 is confidential in its entirety.</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>§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>
RESPONSE/DOCUMENT	PAGE/LINE	JUSTIFICATION
Direct Testimony of William Dunkel	<p>Page 8: Lines 18 through 20 - are confidential in their entirety.</p> <p>Page 9: Lines 1 and 2 - are confidential in their entirety.</p> <p>Page 24: Lines 20 through 24 and footnote - are confidential in their entirety.</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>§366.093(3)(e), F.S. The document in question contains confidential</p>

	<p>Page 25: Lines 1 through 13 and footnote -are confidential in their entirety.</p> <p>Page 37: Lines 8 through 13- are confidential in their entirety.</p>	<p>information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
RESPONSE/DOCUMENT	PAGE/LINE	JUSTIFICATION
<p>Exhibit No. JRD-17, to the Direct Testimony of James R. Dauphinais</p>	<p>Exhibit No. JRD-17-bearing Bates number 20240025-OPCROG7-00018141 (previously provided as confidential response to OPCROG 7-186) columns titled “Filed Project Cost” and “Anticipated Project Costs” are confidential in their entirety.</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>§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

**AFFIDAVITS OF
REGINALD ANDERSON,
MISTY EASTON,
AND
AMENDED
Exhibit D
VANESSA GOFF**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20240025-EI

Dated: June 21, 2024

**AFFIDAVIT OF REGINALD D. ANDERSON 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 Reginald D. Anderson, who being first duly sworn, on oath deposes and says that:

1. My name is Reginald D. Anderson. 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 Vice President, Power Generation.

3. As Vice President of DEF's Power Generation organization, I am responsible for providing overall leadership and strategic and tactical planning over employees in DEF's Power Generation organization. In this role, I oversee generation projects, major maintenance programs,

outage and project management, fleet retirement strategy, and workforce planning (including departmental staffing and long-term strategies such as organizational alignment, design, retention, and inclusion). I am responsible for billions of dollars in assets including capital and operating and maintenance (“O&M”) budgets, and I lead the development of regional succession planning.

4. DEF is seeking confidential classification for information contained in the Direct Testimony of William W. Dunkel filed on behalf of the Office of the Public Counsel’s (“OPC”). A detailed description of the confidential information at issue is contained in confidential Revised 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 confidential information for the reasons set forth below.

5. The information contained in the testimony of Dunkel, contain confidential information. Specifically, pages 8, 9, 24, 25, and 37, contain pricing information, internal procedures 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.

6. Additionally, the information contains internal sensitive business information regarding future 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.

7. 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 the Company. 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 ____ day of _____, 2024.

(Signature)
Reginald D. Anderson
Vice President, Power Generation
Duke Energy Florida, LLC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ____ day of _____, 2024 by Reginald D. Anderson. 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)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20240025-EI

Dated: June 21, 2024

**AFFIDAVIT OF MISTY EASTON 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 Misty Easton. 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 Human Resources of Duke Energy Business Services LLC, which provides various administrative and other services to Duke Energy, DEF, and other affiliated companies of Duke Energy Corporation.

3. As the Director of HR Special Projects & Integration, I am responsible for leading various HR projects and transformation initiatives, managing emerging opportunities that align

HR with long-term business objectives, HR regulatory compliance and risk management activities, large-scale employee change management and oversight for the HR Rotational Program. I have previously served in the Director of Compensation role where I was responsible for broad-based compensation design and strategy, administration and compliance for Duke Energy, including all of Duke Energy's affiliated regulated and non-regulated companies, like DEF.

4. DEF is seeking confidential classification for information contained in the Testimony of Schultz, specifically pages 40 and 41, and Exhibit HWS-3 of Schultz, specifically pages 257 through 291 and 615. A detailed description of the confidential information at issue is contained in confidential Revised 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 for the reasons set forth below.

5. The information contained in the Testimony of Schultz, specifically pages 40 and 41, and Exhibit HWS-3 of Schultz, specifically pages 257 through 291 and 615, contain internal sensitive business information that relates to internal compensation procedures, valuations, and costs, 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. Some of these documents also contain information from a third party, which DEF is contractually obligated to maintain as confidential. 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.

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 the Company. 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)
Misty Easton
Director, Human Resources
Duke Energy Business Services, LLC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ____ day of _____, 2024 by Misty Easton. 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)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20240025-EI

Dated: June 21, 2024

**AMENDED AFFIDAVIT OF VANESSA GOFF 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 Vanessa Goff, who being first duly sworn, on oath deposes and says that:

1. My name is Vanessa Goff. 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 Duke Energy Corporation as Director of Renewables Business Development.

3. As Director of Renewables Development, I am responsible for the development of new solar facilities in Florida on behalf of DEF. I lead a team that conducts solar development

activities, including project siting, land acquisition, resource assessment, permitting, obtaining interconnection rights, project layout and design, arranging contracts for engineering, procurement, and construction (“EPC”) services, as well as originating, structuring, and executing transactions to acquire rights to existing solar development projects.

4. DEF is seeking confidential classification for information contained in the Direct Testimony of William Dunkel and Exhibit JRD-17, to the Direct Testimony of James R. Dauphinais, filed on behalf of the Office of the Public Counsel’s (“OPC”). A detailed description of the confidential information at issue is contained in confidential Revised 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 confidential information for the reasons set forth below.

5. The information contained in the testimony of Dunkel contain confidential information. Specifically, pages 8, 9, 24, 25, and 37, and page 90 of 100 of Exhibit JRD-17 to the Direct Testimony of James R. Dauphinais, contain the terms of contracts for goods and services. Disclosure of this non-public information could alter contractors’ behavior to the detriment of DEF and its customers. Thus, absent confidential classification, DEF’s efforts to contract for goods and services on favorable terms may be impaired.

6. Additionally, the information contains internal sensitive business information regarding future 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.

7. 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 the Company. 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 ____ day of _____, 2024.

(Signature)
Vanessa Goff
Director, Renewables Business Development
Duke Energy Corporation

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ____ day of _____, 2024 by Vanessa Goff. She is personally known to me or has produced her _____ driver's license, or her _____ as identification.

(Signature)

(AFFIX NOTARIAL SEAL)

(Printed Name)
NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)