

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 130009-EI

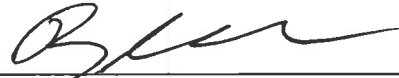
SERVED: May 14, 2013

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**DUKE ENERGY FLORIDA, INC.'S
NOTICE OF FILING**

Duke Energy Florida, Inc. ("DEF"), hereby gives notice of filing the affidavits of Garry D. Miller and Christopher M. Fallon in support of Duke Energy Florida, Inc.'s Third Request for Confidential Classification.

Respectfully submitted,



John T. Burnett
Deputy General Counsel
Dianne M. Triplett
Associate General Counsel
DUKE ENERGY FLORIDA, INC.
Post Office Box 14042
St. Petersburg, FL 33733-4042
Telephone: (727) 820-5587
Facsimile: (727) 820-5519

James Michael Walls
Florida Bar No. 0706242
Blaise N. Gamba
Florida Bar No. 0027942
Matthew R. Bernier
Florida Bar No. 0059886
CARLTON FIELDS, P.A.
Post Office Box 3239
Tampa, FL 33601-3239
Telephone: (813) 223-7000
Facsimile: (813) 229-4133

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 14th day of May, 2013.



Attorney

Keino Young
Staff Attorney
Michael Lawson
Staff Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee 32399
Phone: (850) 413-6218
Facsimile: (850) 413-6184
Email: kyoung@psc.fl.state.us
mlawson@psc.fl.state.us

Charles Rehwinkel
Associate Counsel
Erik Saylor
Associate Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
Phone: (850) 488-9330
Email: rehwinkel.charles@leg.state.fl.us
Saylor.erik@leg.state.fl.us

Jon C. Moyle, Jr.
Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
Phone: (850) 681-3828
Fax: (850) 681-8788
Email: jmoyle@moylelaw.com

James W. Brew
F. Alvin Taylor
Brickfield Burchette Ritts & Stone, PC
1025 Thomas Jefferson St NW
8th FL West Tower
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807
Email: jbrew@bbrslaw.com
ataylor@bbrslaw.com

Mr. Paul Lewis, Jr.
Duke Energy Florida, Inc.
106 East College Avenue, Ste. 800
Tallahassee, FL 32301-7740
Phone: (850) 222-8738
Facsimile: (850) 222-9768
Email: paul.lewisjr@duke-energy.com

Florida Power & Light Company
Jessica A. Cano/Bryan S. Anderson
700 Universe Boulevard
Juno Beach, FL 33408
Phone: 561-304-5226
Facsimile: 561-691-7135
Email: Jessica.Cano@fpl.com

Kenneth Hoffman
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1858
Phone: 850-521-3919/FAX: 850 521-3939
Email: Ken.Hoffman@fpl.com

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

Docket No: 130009-EI
Submitted for Filing: May 13, 2013

**AFFIDAVIT OF CHRISTOPHER M. FALLON IN SUPPORT OF DUKE ENERGY
FLORIDA, INC.'S THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Christopher M. Fallon. I am employed by Duke Energy Corporation ("Duke Energy") in the capacity of Vice President of Nuclear Development. I am over the age of 18 years old and I have been authorized to give this affidavit in the above-styled proceeding on Duke Energy Florida's ("DEF" or the "Company") behalf and in support of DEF's Third Request for Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. As Vice President of Nuclear Development, I am responsible for the licensing and engineering design for the Levy nuclear power plant project ("LNP" or "Levy"), including the direct management of the Engineering, Procurement, and Construction ("EPC") Agreement with Westinghouse and Shaw, Stone & Webster (the "Consortium"), and I am responsible for reporting on the LNP to senior management.

3. DEF is seeking confidential classification for portions of responsive documents to Citizens' First Request for Production of Documents requests 1 through 4. A detailed description of the confidential information at issue is contained in confidential Attachment A to

DEF's Third Request for Confidential Classification and is outlined in DEF's Justification Matrix that is attached to DEF's Third Request for Confidential Classification as Attachment C. DEF is requesting confidential classification of these documents because they include internal audit reports and controls, confidential and proprietary contractual information, and other information related to the Company's competitive business interests, the disclosure of which would compromise DEF's competitive business interests.

4. Specifically the requests seek information which includes contractual data, and proprietary data of the Company and its contract partners, the disclosure of which would impair the Company's ability to contract on favorable terms in the future. In many instances, the disclosure of this information would also violate contractual confidentiality provisions.

5. The public disclosure of these documents would allow other parties to discover how the Company analyzes risk options, scheduling, and cost, and would impair DEF's ability to contract for such goods and services on competitive and favorable terms. Portions of these documents reflect the Company's internal strategies for evaluating projects and meeting deadlines. If such information was disclosed to DEF's competitors and/or other potential suppliers, DEF's efforts to obtain competitive equipment and service options that provide economic value to both the Company and its ratepayers could be compromised by the Company's competitors and/or suppliers potentially changing their offers, consumption, or purchasing behavior within the relevant markets.

6. DEF must be able to assure vendors that sensitive business information, such as the terms of their contracts, will be kept confidential. Additionally, as discussed above, some of the contracts at issue contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. The information at issue relates to competitively negotiated

contractual data, such as quantity and pricing of goods and services, and other contractual terms, the disclosure of which would impair the efforts of the Company to negotiate these contracts on favorable terms. If other third parties were made aware of confidential contractual terms that DEF has with other parties, they may offer less competitive contractual terms in future contractual negotiations.

7. Portions of these responsive documents contain audit information reports and workpapers that resulted from the audit of the Company's various projects. DEF is requesting confidential classification of these reports because public disclosure of the documents and information in question would compromise DEF's ability to effectively audit the Company's major projects. In addition, such information and documents are specifically defined by Section 366.093(3)(b) as proprietary confidential business information that is entitled to confidential status.

8. Upon receipt of this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality 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.

9. This concludes my affidavit.

Further affiant sayeth not.

Dated the 13th day of May, 2013.

Christopher M. Fallon

(Signature) Christopher M. Fallon

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 13 day of May, 2013, by Christopher M. Fallon. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

Teresa D. Neely

(Signature)

TERESA D. NEELY

(Printed Name)

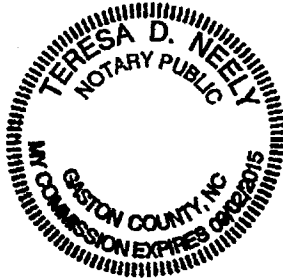
NOTARY PUBLIC, STATE OF NC

9/02/2015

(Commission Expiration Date)

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

Docket No: 130009-EI
Submitted for Filing: May 13, 2013

**AFFIDAVIT OF GARRY D. MILLER IN SUPPORT OF DUKE ENERGY FLORIDA'S
THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKELLENBURG

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

1. My name is Garry D. Miller. 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 Third Request for Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. I am employed by Duke Energy Corporation ("Duke Energy") in the Nuclear Engineering Group and I am the Senior Vice President – Nuclear Engineering. As Senior Vice President – Nuclear Engineering, I am responsible for all corporate engineering, design engineering, engineering technical programs, and nuclear fuels functions in Duke Energy's nuclear generation fleet. This includes engineering projects and programs at the Crystal River Unit 3 ("CR3") nuclear power plant located at the Crystal River power plant site in Florida. The CR3 extended power uprate ("EPU") project at CR3 ("CR3 Uprate") included engineering work under my overall supervisory responsibility for engineering projects.

3. DEF is seeking confidential classification for portions of responsive documents to Citizens' First Request for Production of Documents specifically requests 1 through 4. A detailed description of the confidential information at issue is contained in confidential Attachment A to DEF's Third Request for Confidential Classification and is outlined in DEF's Justification Matrix that is attached to DEF's Third Request for Confidential Classification as Attachment C. DEF is requesting confidential classification of these documents because they include internal audit reports and controls, confidential and proprietary contractual information, and other information related to the Company's competitive business interests, the disclosure of which would compromise DEF's competitive business interests.

4. Specifically, portions of these responsive documents contain internal audit information reports and workpapers that resulted from the internal audit of the Company's various projects. DEF is requesting confidential classification of these reports and workpapers because public disclosure of the documents and information in question would compromise DEF's ability to effectively audit the Company's major projects. If the Company were to know that its internal auditing controls and process were subject to public disclosure, it would compromise the level of cooperation needed with auditors to efficiently conduct audits. In addition, such information and documents are specifically defined by Section 366.093(3)(b) as proprietary confidential business information that is entitled to confidential status.


5. Upon receipt of this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality 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.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the 13th day of May, 2013.



(Signature) Garry D. Miller

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 13 day of May, 2013, by Garry D. Miller. He is personally known to me, or has produced his North Carolina driver's license, or his _____ as identification.



(Signature)

Debra Reese

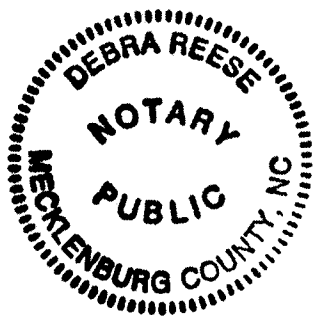
(Printed Name)

NOTARY PUBLIC, STATE OF NC

September 6, 2015

(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



(Serial Number, If Any)