

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Duke Energy Florida, Inc.

DOCKET NO.: 100437-EI

SERVED: May 24, 2013

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COMMISSION CLERK

DUKE ENERGY FLORIDA, INC.'S SIXTH REQUEST FOR CONFIDENTIAL CLASSIFICATION REGARDING SUPPLEMENTAL DOCUMENTS PRODUCED IN RESPONSE TO WHITE SPRINGS' REVISED SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 3-12)

Duke Energy Florida, Inc. ("DEF" or the "Company"), pursuant to Sections 366.093, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code, requests confidential classification of portions of the supplemental documents produced in response to White Springs' Revised Second Set of Requests for Production of Documents (Nos. 3-12), specifically certain documents responsive to number 5. These documents contain confidential contractual information, the disclosure of which would impair DEF's competitive business interests. These documents meet the definition of proprietary confidential business information per section 366.093(3), Florida Statutes. The unredacted documents are being filed under seal with the Commission on a confidential basis to keep the competitive business information in those documents confidential.

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

BASIS FOR CONFIDENTIAL CLASSIFICATION

For DN 02880-13, which is in locked storage. You must be authorized to view this DN.-CLK

Section 366.093(1), Florida Statutes, provides that "any records received by the

Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." § 366.093(1), Fla. Stat. Proprietary confidential business information means information that is (i) intended to be and is treated as private confidential information by the Company, (ii)

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because disclosure of the information would cause harm, (iii) either to the Company's customers or the Company's business operation, and (iv) the information has not been voluntarily disclosed to the public. § 366.093(3), Fla. Stat. Specifically, "information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms" is defined as proprietary confidential business information. § 366.093(3)(d), Fla. Stat. Additionally, section 366.093(3)(e) defines "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information," as proprietary confidential business information.

Portions of the aforementioned documents should be afforded confidential classification for the reasons set forth in the Affidavit of Garry D. Miller, filed in support of DEF's Sixth Request for Confidential Classification, and for the following reasons.

Specifically, portions of these documents contain confidential business information, including contractual data, pricing agreements, payment information and other confidential financial and contractual terms, the release of which would impair DEF's competitive business interests. See Affidavit of Miller, ¶¶ 3-5. The disclosure of this information would compromise DEF's competitive business interests and in certain instances violate contractual confidentiality provisions with DEF's vendors. Affidavit of Miller, ¶¶ 3-6.

DEF negotiates each of its contracts to obtain the most competitive terms available to benefit DEF and its customers. In order to successfully obtain such contracts, however, DEF must be able to assure the other parties to the contracts that the sensitive business information contained therein, such as pricing terms, will remain confidential. DEF has kept confidential and has not publicly disclosed the proprietary contract terms and provisions at issue here. Absent

such measures, DEF would run the risk that sensitive business information regarding what it is willing to pay for certain goods and services, as well as what the Company is willing to accept as payment for certain goods and/or services, would be made to available to the public and, as a result, other potential suppliers, vendors, and/or purchasers of such services could change their position in future negotiations with DEF. Without DEF's measures to maintain the confidentiality of sensitive terms in these contracts, the Company's efforts to obtain competitive contracts would be undermined. Affidavit of Miller, ¶¶ 3-6. Accordingly, this information should be afforded confidential treatment by the Commission. See § 366.093(3)(d), Fla. Stat.

Upon receipt of this confidential information, strict procedures are established and followed to maintain the confidentiality of the information provided, including restricting access to only those persons who need the information to assist the Company. See id. at ¶ 7. At no time since receiving the information in question has the Company publicly disclosed that information. Id. The Company has treated and continues to treat the information at issue as confidential. Id.

CONCLUSION

The competitive, confidential information at issue in this request fits the statutory definition of proprietary confidential business information under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and that information should be afforded confidential classification. In support of this motion, DEF has enclosed the following:

- (1) A separate, sealed envelope containing one copy of the confidential Appendix A to DEF's Request for Confidential Classification for which DEF has requested confidential classification with the appropriate section, pages, or lines containing the confidential information

highlighted. **This information should be accorded confidential treatment pending a decision on DEF's request by the Florida Public Service Commission;**

(2) Two copies of the documents with the information for which DEF has requested confidential classification redacted by section, page or lines, where appropriate, as Appendix B; and,

(3) A justification matrix supporting DEF's Request for Confidential Classification of the highlighted information contained in confidential Appendix A, as Appendix C.

WHEREFORE, DEF respectfully requests that the portions of the supplemental documents produced in response to White Springs Revised Second Set of Requests for Production of Documents (Nos. 3-12), specifically portions of response to number 5, be granted confidential classification and treated accordingly.

Respectfully submitted,



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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 24TH day of May, 2013.



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PROGRESS ENERGY FLORIDA
In re: Examination of the outage and
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CR3 steam generator replacement project, by
Progress Energy Florida, Inc.
Docket 100437-EI
Sixth Request for Confidential Classification

Exhibit B

PROGRESS ENERGY FLORIDA
In re: Examination of the outage and
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Sixth Request for Confidential Classification

DOCUMENTS BEARING BATES NUMBERS
13DELAM-WSPOD2-5-034243
THROUGH
13DELAM-WSPOD2-5-034349
ARE REDACTED IN THEIR ENTIRETY

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DUKE ENERGY FLORIDA DOCKET 100437-EI
Sixth Request for Confidential Classification
Confidentiality Justification Matrix

ATTACHMENT C

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
<p>DEF Supplemental Response to White Springs Revised Second Set of Request for Production No. 5 bearing Bates Nos. 13DELAM-WSPOD2-5- 034243 through 13DELAM- WSPOD2-5-034349</p>	<p>All information on pages</p>	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions 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>