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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: DEF's Responses to Staff's 2nd Data
Request concerning 2013 Ten-Year Site
Plan Review

Docket No. Undocketed

Dated: July 10, 2013

**DUKE ENERGY FLORIDA INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, Inc., ("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 for certain information provided in DEF's Responses to Staff's Second Data Request concerning 2013 Ten-Year Site Plan Review submitted on July 10, 2013. In support of this Request, DEF states:

1. DEF's Responses to Staff's Ten-Year Site Plan Data Request contains "proprietary business information" under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing an unredacted copy of all the documents for which DEF seeks confidential treatment. Composite Exhibit A is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted by yellow marker.

(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

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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.

3. Portions of responses to Staff's Second Data Request, Question No. 11, contain confidential purchase power bid arrangements between DEF and third parties that would adversely impact DEF's competitive business interest if disclosed to the public. Disclosure of the confidential bidders names to the public, to DEF's suppliers, or to DEF's competitors would adversely impact DEF's competitive business and impair DEF's efforts to contract for goods or services on favorable terms. Accordingly, DEF hereby submits the following.

Basis for Confidential Classification

Subsection 366.093(1), F.S., 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), F.S. Proprietary confidential business information means information that is (i) intended to be and is treated as private confidential information by the Company, (ii) because disclosure of the information would cause harm, (iii) either to the Company's ratepayers or the Company's business operation, and (iv) the information has not been voluntarily disclosed to the public. §366.093(3), F.S. Specifically, "information relating to competitive interests" is defined as proprietary confidential business information if the disclosure of such information "would impair the competitive business of the provider of the information." §366.093(3)(e), F.S. Section §366.093(3)(d) further defines proprietary confidential business information as "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.” §366.093(3)(d), F.S.

The aforementioned discovery sought by Staff should be afforded confidential treatment because portions of the responses to this data request contain information relating to DEF’s competitive interests. Public disclosure of the information in question would compromise DEF’s competitive business interests by disclosing sensitive contractual and business information.

4. 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 relates to confidential business information pertaining to purchased power agreements currently being negotiated. Specifically, the highlighted information provides the names of the parties with whom the Company is currently negotiating purchase power agreements for future years. If DEF were to disclose this information, DEF’s efforts to obtain competitive power supply options that provide economic value to both DEF and its ratepayers could be compromised by DEF’s competitors changing their consumption or purchasing behavior within the relevant markets. *See* § 366.093(3)(d); Affidavit of Michael Keen at ¶ 5. Furthermore, the information at issue relates to the competitive interests of DEF and its power supply bidders, the disclosure of which would impair their competitive businesses. *Id.* § 366.093(3)(e); Affidavit of Michael Keen at ¶ 5. 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.

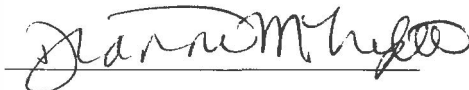
5. The information identified as Exhibit “A” is intended to be and is treated as

confidential by the Company. See Affidavit of Michael Keen at ¶ 6. 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 Affidavit of Michael Keen at ¶ 6.

6. 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 for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 10th day of July, 2013.



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