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Matthew R. Bernier  
ASSOCIATE GENERAL COUNSEL II  
Duke Energy Florida, Inc.

November 14, 2013

Ms. Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**REDACTED**

Re: *Fuel and purchased power cost recovery clause and Generating Performance Incentive Factor;*  
*Docket No. 130001-EI*

Dear Ms. Cole:

Please find enclosed for filing on behalf of Duke Energy Florida, Inc. ("DEF") the original and seven (7) copies of DEF's First Request for Extension of Confidential Classification concerning portions of Exhibit WG-3T, Schedule A12, to Will Garrett's Testimony, (document number 01186-12 filed in docket no. 120001-EI). The First Request includes Revised Exhibits A through D.

The Request for Extension includes confidential Revised Exhibit A with the confidential information at issue highlighted in yellow in a separate envelope labeled "Confidential", two (2) copies of Revised Exhibit B with the confidential information at issue redacted, revised Exhibit C, a justification matrix providing the statutory basis for continued confidentiality, and Revised Exhibit D, Affidavit of Thomas G. Foster in Support of DEF's Request for Extension of Confidential Classification.

Thank you for your assistance in this matter. Please feel free to call me at (850) 521-1428 should you have any questions concerning this filing.

Respectfully,

Matthew R. Bernier  
Associate General Counsel II  
[Matthew.Bernier@duke-energy.com](mailto:Matthew.Bernier@duke-energy.com)

COM	_____
AFD	2 + 1 Exh B
APA	1
ECO	1
ENG	1
GCL	1
JDM	1
TFL	_____
CLK	_____

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power cost  
recovery clause with generating performance  
incentive factor.

Docket No. 130001-EI

Filed: November 14, 2013

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**DUKE ENERGY FLORIDA, INC.'S  
FIRST REQUEST FOR EXTENSION OF 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.), hereby submits its First Request for Extension of Confidential Classification of certain information provided to the Florida Public Service Commission ("PSC" or "Commission") in portions of Exhibit WG-3T, Schedule A12, to Mr. Will Garrett's Testimony, Document No. 01186-12, submitted docket no. 120001-EI on March 1, 2012. In support of this Request, DEF<sup>1</sup> states as follows:

1. On March 1, 2012, DEF filed a request for confidential classification for portions of Exhibit WG-3T, Schedule A12, to Mr. Will Garrett's Testimony, as those portions contain confidential contractual information.

2. DEF's March 1, 2012 Request was granted by Order No. PSC-12-0292-CFO-EI on June 5, 2012. The period for confidential treatment granted by that order will expire on December 5, 2013. Portions of the information, as referenced above, pertain to the subject of the March 1, 2012 Request and warrant continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3) F.S. Accordingly, DEF is hereby filing its First Request for Extension of Confidential Classification.

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<sup>1</sup> The confidential information at issue was provided to the Commission by DEF's predecessor, Progress Energy Florida, Inc. ("PEF").

3. DEF submits that portions of Exhibit WG-3T, Schedule A12 to Will Garrett's Testimony referenced above and identified in the Revised Exhibits "A" and "C" filed herewith continues to be proprietary confidential business information within the meaning of Section 366.093(3), F.S. This information is intended to be and is treated as confidential by the Company. See Affidavit of Thomas G. Foster ¶¶5-7, attached as Revised Exhibit "D". The information has not been disclosed to the public. Pursuant to Section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of Chapter 119, Florida Statutes.

4. Nothing has changed since the issuance of Order No. PSC-12-0292-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. Upon a finding by the Commission that this information continues to be "proprietary confidential business information," it should continue to be treated as such for an additional period of at least 18 months, and should be returned to DEF as soon as the information is no longer necessary for the Commission to conduct its business. See § 366.093(4), F.S.

5. In support of this Request for Extension, DEF is filing:

a. A red envelope containing Revised Exhibit A, an unredacted copy of Exhibit WG-3T, Schedule A12 to Will Garrett's Testimony filed in Docket No. 120001, with the confidential portions highlighted in yellow;

b. Revised Exhibit B, two copies Exhibit WG-3T, Schedule A12 to Will Garrett's Testimony filed in Docket No. 120001 with the confidential information at issue redacted;

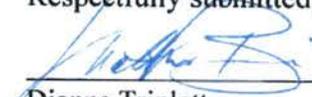
c. Revised Exhibit C, a justification matrix providing the statutory support for the continuing confidentiality of the information at issue; and

d. Revised Exhibit D, the Affidavit of Thomas G. Foster in support of this Request for Extension.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this First Request for Extension of Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of November, 2013.

Respectfully submitted,



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Dianne Triplett  
Associate General Counsel  
Matthew R. Bernier  
Associate General Counsel  
DUKE ENERGY FLORIDA  
299 1<sup>st</sup> Avenue North  
St. Petersburg, FL 33733-4042  
Telephone: (727) 820-5184  
Email: [dianne.triplett@duke-energy.com](mailto:dianne.triplett@duke-energy.com)  
[matthew.bernier@duke-energy.com](mailto:matthew.bernier@duke-energy.com)

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 mail this 14<sup>th</sup> day of November, 2013.

  
\_\_\_\_\_  
Attorney

<p>Martha Barrera, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:mbarrera@psc.state.fl.us">mbarrera@psc.state.fl.us</a></p> <p>James D. Beasley, Esq. Jeffrey Wahlen, Esq. Ausley &amp; McMullen Law Firm P.O. Box 391 Tallahassee, FL 32302 <a href="mailto:jbeasley@ausley.com">jbeasley@ausley.com</a></p> <p>John T. Butler, Esq. Florida Power &amp; Light Co. 700 Universe Boulevard Juno Beach, FL 33408 <a href="mailto:John.butler@fpl.com">John.butler@fpl.com</a></p> <p>Ken Hoffman Florida Power &amp; Light 215 S. Monroe Street, Ste. 810 Tallahassee, FL 32301-1859 <a href="mailto:Ken.hoffman@fpl.com">Ken.hoffman@fpl.com</a></p> <p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Steven R. Griffin Beggs &amp; Lane Law Firm P.O. Box 12950 Pensacola, FL 32591 <a href="mailto:jas@beggslane.com">jas@beggslane.com</a> <a href="mailto:rab@beggslane.com">rab@beggslane.com</a> <a href="mailto:srg@beggslane.com">srg@beggslane.com</a></p> <p>Ms. Paula K. Brown Tampa Electric Company P.O. Box 111 Tampa, FL 33601 <a href="mailto:regdept@tecoenergy.com">regdept@tecoenergy.com</a></p> <p>Mr. Robert L. McGee Gulf Power Company One Energy Place Pensacola, FL 32520-0780 <a href="mailto:rlmcgee@southernco.com">rlmcgee@southernco.com</a></p>	<p>Beth Keating Gunster, Yoakley &amp; Stewart, P.A. 215 S. Monroe St., Ste 618 Tallahassee, FL 32301 <a href="mailto:bkeating@gunster.com">bkeating@gunster.com</a></p> <p>J.R.Kelly/Charles Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, #812 Tallahassee, FL 32399 <a href="mailto:Kelly.jr@leg.state.fl.us">Kelly.jr@leg.state.fl.us</a> <a href="mailto:Rehwinkel.charles@leg.state.fl.us">Rehwinkel.charles@leg.state.fl.us</a></p> <p>Curtis Young Florida Public Utilities Company P.O. Box 3395 West Palm Beach, FL 33402-3395 <a href="mailto:cyoung@fpuc.com">cyoung@fpuc.com</a></p> <p>James W. Brew, Esq. c/o Brickfield Law Firm 1025 Thomas Jefferson St., NW 8<sup>th</sup> Floor, West Tower Washington, DC 20007 <a href="mailto:jbrew@bbrslaw.com">jbrew@bbrslaw.com</a></p> <p>Moyle Law Firm Vicki Gordon Kaufman/Jon C. Moyle, Jr. 118 North Gadsden Street Tallahassee, FL 32301 <a href="mailto:vkaufman@moylelaw.com">vkaufman@moylelaw.com</a> <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a></p> <p>Florida Retail Federation Robert Scheffel Wright/John T. LaVia, c/o Gardner, Bist, Wiener Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 <a href="mailto:scheff@gbwlegal.com">scheff@gbwlegal.com</a></p> <p>Capt. Samuel Miller c/o AFLSA/JACL-ULT 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5319 <a href="mailto:samuel.miller@tyndall.af.mil">samuel.miller@tyndall.af.mil</a></p>
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# **Revised Exhibit B**

**REDACTED**

REDACTED

PROGRESS ENERGY FLORIDA, INC  
 SCHEDULE A12 - CAPACITY COSTS  
 FOR THE PERIOD JAN - DEC 2011

Counterparty	Type	MW	Start Date - End Date	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD
Auburndale Power Partners, L.P. (AUBRDLAS)	QF	0.00	8/1/94 - 12/31/13													
1 Auburndale Power Partners, L.P. (AUBRDLFC)	QF	17.00	1/1/95 - 12/31/13	728,960	728,960	728,960	728,960	728,960	728,960	728,960	728,960	728,960	728,960	728,960	728,960	8,747,520
2 Auburndale Power Partners, L.P. (AUBSET)	QF	114.18	8/1/94 - 12/31/13	3,270,177	3,270,177	3,270,177	3,270,177	3,270,177	3,270,177	3,270,177	3,270,177	3,270,177	3,270,177	3,270,177	3,270,177	39,242,125
3 Lake County (LAKCOUNT)	QF	12.75	1/1/95 - 6/30/14	683,528	683,528	683,528	683,528	683,528	683,528	683,528	683,528	683,528	683,528	683,528	683,528	8,202,330
4 Lake Cogen Limited (LAKORDER)	QF	110.00	7/1/93 - 7/31/13	3,381,506	3,381,506	3,381,506	3,381,506	3,381,506	3,381,506	3,381,506	3,381,506	3,381,506	3,381,506	3,381,506	3,381,506	40,578,072
5 Metro-Dade County (METRODADE)	QF	43.00	1/1/91 - 11/30/13	1,269,790	1,269,790	1,269,790	1,269,790	1,269,790	1,269,790	1,269,790	1,269,790	1,269,790	1,269,790	1,269,790	1,269,790	15,237,480
6 Orange Cogen (ORANGECCO)	QF	74.00	7/1/95 - 12/31/24	2,905,606	2,905,606	2,905,606	2,905,606	2,905,606	2,905,606	2,905,606	2,905,606	2,905,606	2,905,606	2,905,606	2,905,606	34,867,266
7 Orlando Cogen Limited (ORLACOGL)	QF	79.20	9/1/93 - 12/31/23	2,607,453	2,607,453	2,607,453	2,607,453	2,528,100	2,528,348	2,527,524	2,525,627	2,526,988	2,442,622	2,524,528	2,524,449	30,558,000
8 Pasco County Resource Recovery (PASCOUNT)	QF	23.00	1/1/95 - 12/31/24	1,233,030	1,233,030	1,233,030	1,233,030	1,233,030	1,233,030	1,233,030	1,233,030	1,233,030	1,233,030	1,233,030	1,233,030	14,796,360
9 Pinellas County Resource Recovery (PINCOUNT)	QF	54.75	1/1/95 - 12/31/24	2,935,148	2,935,148	2,935,148	2,935,148	2,935,148	2,935,148	2,935,148	2,935,148	2,935,148	2,935,148	2,935,148	2,935,148	35,221,770
10 Polk Power Partners, L.P. (MULBERRY)	QF	115.00	8/1/94 - 8/8/24	5,167,518	5,167,518	5,167,518	5,167,518	5,167,518	5,167,518	5,167,518	5,167,518	5,167,518	5,167,518	5,167,518	5,167,518	62,010,217
11 Wheelabrator Ridge Energy, Inc. (RIDGEGEN)	QF	39.60	8/1/94 - 12/31/23	907,798	800,946	800,946	800,946	800,946	800,946	800,946	800,946	800,946	800,946	800,946	800,946	9,718,202
12 UPS Purchase (414 total mw) - Southern	Other	414	7/19/88 - 5/31/10	0	0	0	0	0	(497,784)	0	0	0	0	0	470,553	(27,231)
13 Southern purchase - Scherer	Other	74	6/1/10 - 5/31/16	1,129,912	1,519,867	1,322,689	1,322,689	2,696,712	1,552,990	1,844,501	2,240,870	1,084,492	1,664,492	1,664,492	1,664,492	19,708,198
14 Southern purchase - Franklin	Other	350	6/1/10 - 5/31/16	2,163,000	2,163,000	2,163,000	2,163,000	2,163,000	2,163,000	2,163,000	2,163,000	2,487,450	2,163,000	2,163,000	2,163,000	26,280,450
15 TECO Power Purchase (70 mw)	Other	70	3/30/93 - 2/28/11	659,767	659,767	0	0	0	0	0	0	0	0	0	0	1,319,534
16 Other NEIL insurance proceeds				0	0	0	0	0	0	0	0	0	0	0	0	0
17 Retail Wheeling				(27,046)	(3,353)	(13,748)	(3,619)	(3,373)	(4,853)	(3,297)	(707)	(2,148)	(1,512)	(1,631)	(1,190)	(66,477)
18 Levy Projected Expense				12,767,783	14,646,909	11,839,054	11,912,481	12,385,453	11,896,776	11,664,739	12,322,162	11,919,038	11,831,602	12,556,036	11,831,830	147,573,865
19 CR-3 Projected Expense				1,047,741	1,086,610	1,126,524	1,147,351	1,178,446	1,250,940	1,567,143	1,388,903	1,418,873	1,477,338	1,724,075	1,592,850	16,006,795
<b>SUBTOTAL</b>				<b>42,831,671</b>	<b>45,056,461</b>	<b>41,421,179</b>	<b>41,525,562</b>	<b>43,324,546</b>	<b>41,265,626</b>	<b>42,139,818</b>	<b>43,016,063</b>	<b>41,810,900</b>	<b>41,953,749</b>	<b>43,006,710</b>	<b>42,622,191</b>	<b>509,974,477</b>
<b>Confidential Capacity Contracts (Aggregated):</b>																
<b>Purchases/Sales (Net)</b>	Other	<b>MW</b>	<b>Contracts</b>													
Chattahoochee Capacity Purchase			1/1/03-1/31/17	14,050	11,636	13,364	12,231	12,769	12,231	12,769	12,500	12,231	12,769	12,231	12,769	151,550
Reliant - Vandolah Capacity Purchase			5/1/10-5/31/12	709,420	709,420	507,180	507,180	1,025,420	1,025,420	5,060,740	3,043,080	3,043,080	(609,880)	1,014,360	1,418,840	17,454,260
Schedule H Capacity Sales-NSB			on-going no term date	(11,243)	(10,155)	(11,243)	(10,880)	(11,243)	(11,489)	(11,552)	(11,552)	(11,179)	(11,552)	(11,179)	(11,552)	(134,819)
Shady Hills Tolling			4/107-4/30/24	1,960,764	1,960,764	1,400,546	1,358,739	1,910,302	3,876,747	3,876,747	3,876,747	1,809,149	1,362,100	1,362,100	1,965,615	26,720,320
<b>Total</b>		<b>837.25</b>	<b>4</b>	<b>2,672,992</b>	<b>2,671,666</b>	<b>1,909,847</b>	<b>1,867,270</b>	<b>2,937,248</b>	<b>4,902,909</b>	<b>8,938,704</b>	<b>6,920,775</b>	<b>4,853,280</b>	<b>753,437</b>	<b>2,377,512</b>	<b>3,385,672</b>	<b>44,191,311</b>
<b>TOTAL</b>				<b>45,504,663</b>	<b>47,728,127</b>	<b>43,331,027</b>	<b>43,392,832</b>	<b>46,261,794</b>	<b>46,168,534</b>	<b>51,078,521</b>	<b>49,936,837</b>	<b>46,664,180</b>	<b>42,707,186</b>	<b>45,384,222</b>	<b>46,007,863</b>	<b>554,165,788</b>

## Revised Exhibit C

### DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
Exhibit No. WG-3T	Schedule A12; Lines 1-4 (confidential portion): MW purchased.	<p>§366.093(3)(d), F.S. The document in question contains 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>

**Revised Exhibit D**

**AFFIDAVIT OF  
THOMAS G. FOSTER**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Fuel and purchased power cost  
recovery clause with generating  
performance incentive factor

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Docket No. 130001-EI

Dated: November 14, 2013

**AFFIDAVIT OF THOMAS G. FOSTER IN SUPPORT OF  
DUKE ENERGY FLORIDA'S  
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Thomas G. Foster. I am over the age of 18 years old and I have been authorized by Duke Energy Florida, Inc. (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 facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Manager of Retail Riders and Rate Cases within the Rates and Regulatory Strategy Department. This department is responsible for regulatory planning and cost recovery for DEF.

3. As the Manager of Retail Riders and Rate Cases, I am responsible, along with the other members of the section, for the production and review of the regulatory

financial reports of DEF and analysis of state, federal and local regulations and their impact on DEF.

4. DEF is seeking an extension to the confidential classification for a portion of Exhibit No. WG-3T, specifically Schedule A12, to the direct testimony of Will Garrett filed on March 1, 2012 in Docket No. 120001-EI (DN 01186-12). A detailed description of the confidential information at issue is contained in confidential Revised Exhibit A to DEF's Request for Confidential Classification ("DEF's Request for Extension"), and is outlined in DEF's Revised Justification Matrix that is attached to DEF's Request for Extension. DEF is requesting an extension of the confidential classification of this information because it contains competitive confidential business information of capacity suppliers DEF contracts with.

5. DEF negotiates with potential capacity suppliers to obtain competitive contracts for capacity purchase options that provide economic value and system reliability to DEF and its customers. In order to obtain such contracts, however, DEF must be able to assure capacity suppliers that sensitive business information, such as the MW purchased, will be kept confidential. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed confidential terms such as the MW purchased and contract terms. Absent such measures, suppliers would run the risk that sensitive business information that they provided in their contracts with DEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with DEF might decide not to do so if DEF did not keep those contract provisions confidential. Without DEF's measures to maintain the confidentiality of

sensitive terms in contracts between DEF and capacity suppliers, the Company's efforts to obtain competitive capacity contracts could be undermined.

6. Additionally, the disclosure of confidential information in DEF's capacity purchases could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive capacity purchase options that provide economic value to both DEF and its customers could be compromised by DEF's competitors changing their consumption or purchasing behavior within the relevant markets.

7. Upon receipt of confidential information from capacity suppliers, and with its own 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, and restricting the number of, and access to the information and contracts. At no time since receiving the contracts and information in question has the Company publicly disclosed that information or contracts. The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 13<sup>th</sup> day of November, 2013.

*Thomas G. Foster*

(Signature)

Thomas G. Foster

Manager – Retail Riders and Rate Cases

Rates and Regulatory Strategy

Duke Energy Florida

Post Office Box 14042

St. Petersburg, FL 33733

13<sup>th</sup> THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 13<sup>th</sup> day of November, 2013 by Thomas G. Foster. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

*Suzanne H. Miller*

(Signature)

Suzanne H. Miller

(Printed Name)

NOTARY PUBLIC, STATE OF FLORIDA

3/27/17

(Commission Expiration Date)

EE 854446

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

