

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Nuclear Cost Recovery Clause) Docket No. 140009-EI
)
) Filed: February 7, 2014
_____)

**DUKE ENERGY FLORIDA, INC.'S
FIRST MOTION FOR TEMPORARY PROTECTIVE ORDER**

Duke Energy Florida, Inc. (“DEF” or the “Company”), by and through its undersigned counsel, hereby moves the Florida Public Service Commission (the “Commission”), through the Prehearing Officer, for entry of a Temporary Protective Order covering confidential documents and information sought in discovery by the Office of Public Counsel, Florida Industrial Power Users Group, Florida Retail Federation, and PCS Phosphate – White Springs (collectively “Intervenors”), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6)(c), Florida Administrative Code. As grounds therefore, DEF states as follows:

1. Intervenors have requested documents produced in response to Staff Audit CR3 Extended Power Uprate Project Data Request 1 and Staff Audit Levy Nuclear Plant Data Request 1 (collectively “Staff Audits”). The Staff Audits have requested the discovery of confidential information the disclosure of which could harm DEF’s competitive business interests.

2. In particular, the documents and information sought contain and include proprietary and confidential information that would impair DEF’s competitive business interests if publicly disclosed, as well as information concerning negotiations, bids, or other contractual data the disclosure of which would impair the Company’s ability to contract on favorable terms and, in many cases, disclosure of the information would violate contractual confidentiality provisions. Further, the information requested also contains internal auditing

reports the disclosure of which would impair the Company's ability to successfully perform internal audits by inhibiting full and candid disclosure to internal auditors. This information meets the definition of proprietary confidential business information pursuant to Section 366.093(3), Florida Statutes.

3. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6)(c), Florida Administrative Code, direct that all records produced pursuant to a discovery request for which confidential status is requested shall be treated by Intervenor as confidential and shall be exempt from the public records law, Section 119.07(1), Florida Statutes. DEF, by this motion, is seeking protection of all confidential information that DEF will produce to Intervenor in this matter as more specifically set forth above.

4. DEF will provide documents and information responsive to these requests marked as confidential subject to this motion, the law, and Commission rules. By following this procedure and producing this information, DEF is not waiving its right to seek further relief as necessary to ensure that its confidential, proprietary, business information is not publicly disclosed.

5. DEF further requests that in connection with the entry of a temporary protective order, the Commission also require Intervenor to provide DEF with notice of its intent to use such confidential information in connection with the hearing in this matter. Should Intervenor use any of the confidential information provided pursuant to this motion for temporary protective order in the hearing on this matter, DEF will file a motion for protective order pursuant to Rule 25-22.006(6)(a) and Florida Rule of Civil Procedure 1.280.

6. Intervenor do not object to the granting of this motion, but that they reserve their rights to contest confidentiality at a later date if warranted.

WHEREFORE, DEF requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to information identified as confidential and produced in response to Staff's Audit CR3 Extended Power Uprate Project Data Request 1 and Staff's Audit Levy Nuclear Plant Data Request 1; instructing Intervenors to continue to treat such information as confidential; and requiring Intervenors to provide DEF with notice of its intent to use such confidential information in connection with the hearing in accordance with the prehearing order governing procedure in this docket.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically served to counsel of record as follows on this 7th day of February, 2014.

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