

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

Docket No. 140009-EI
Submitted for Filing: July 29, 2014

**DUKE ENERGY FLORIDA, INC.'S SECOND
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 information contained in the deposition transcripts and exhibits of Michael R. Delowery and Christopher M. Fallon 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. On June 10, 2014, The Office of Public Counsel (“OPC” or “Citizens”) took the depositions of Mr. Michael R. Delowery and Christopher M. Fallon. The transcripts of the depositions of Mr. Delowery and Mr. Fallon contain confidential information the disclosure of which could harm DEF’s competitive business interests.

2. In particular, the transcripts and exhibits contain and includes proprietary and confidential information that would impair DEF’s competitive business interests if publicly disclosed, as well as contractual data such as cost information the disclosure of which would impair the Company’s ability to contract on favorable terms and, in many cases, the information is trade secret and would violate contractual confidentiality provisions. 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 information produced pursuant to discovery for which confidential status is requested shall be treated by OPC 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 contained in the transcripts and exhibits of Mr. Delowery and Mr. Fallon, as more specifically set forth above.

4. DEF further requests that in connection with the entry of a temporary protective order, the Commission also requires OPC to provide DEF with notice of its intent to use such confidential information in connection with the hearing in this matter. Should OPC 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. See Fla. Admin. Code R. 25-22.006(6)(c) (“[i]f the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above.”).

5. DEF has been authorized by counsel for OPC to represent that OPC does not object to the granting of this motion.

WHEREFORE, DEF requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to information identified as confidential in the transcript of the depositions and exhibits of Michael R. Delowery and Christopher M. Fallon; and requiring OPC 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 on this 29th day of July, 2014:

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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 mail this 29th day of July, 2014.

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