

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination )  
of Need for Citrus County Combined ) DOCKET NO. 140110-EI  
Cycle Power Plant ) Submitted for filing: August 1, 2014  
\_\_\_\_\_ )

**DUKE ENERGY FLORIDA, INC.'S NOTICE OF FILING AFFIDAVIT IN SUPPORT OF FIFTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, Inc. ("DEF") hereby gives notice of filing the affidavit of Benjamin M.H. Borsch in support of Duke Energy Florida, Inc.'s Fifth Request for Confidential Classification.

Respectfully submitted this 1<sup>st</sup> day of August, 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 and overnight mail this 1<sup>st</sup> day of August, 2014.

/s/ Blaise N. Gamba

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DOCKET NO. 140110-EI  
Submitted for filing: August 1, 2014

**AFFIDAVIT OF BENJAMIN M.H. BORSCH IN SUPPORT OF DUKE ENERGY FLORIDA, INC.'S FIFTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Benjamin M.H. Borsch, who being first duly sworn, on oath deposes and says that:

1. My name is Benjamin M.H. Borsch. 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 Director, IRP & Analytics – Florida. I am responsible for resource planning for Duke Energy Florida, Inc. I am responsible for directing the resource planning process in an integrated approach to finding the most cost-effective alternatives to meet the Company's obligation to serve its customers in Florida. As a result, we examine both supply-side and demand-side resources available and potentially available to the Company over its planning horizon, relative to the Company's load forecasts, and prepare and present documents that are filed with the Florida Public Service Commission ("FPSC" or the "Commission"), in accordance with the applicable statutory and regulatory requirements.

3. DEF is seeking confidential classification for portions of responses to Citizens' First Request for Production of Documents (Nos. 1-10). A detailed description of the

confidential information at issue is contained in confidential Exhibit A to DEF's Fifth Request for Confidential Classification and is outlined in DEF's Justification Matrix that is attached to DEF's Fifth Request for Confidential Classification as Exhibit C.

4. DEF is requesting confidential classification of this information because it is competitively sensitive confidential business information and contains DEF's confidential and proprietary internal strategies and analysis studies or those of DEF's vendors. This information would adversely impact DEF's competitive business interests if disclosed to third parties.

5. The disclosure of this information would impair the efforts of the Company to negotiate contracts on favorable terms, as well as violate contractual nondisclosure provisions of these bids. Specifically, if DEF's suppliers or competitors were made aware of DEF's internal strategies and analysis studies, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provision of goods, materials, and services. DEF must be able to ensure potential bidders that the terms of their bids will be kept confidential. If such assurances are not provided, potential bidders know that the terms of their bids are subject to public disclosure, they might withhold sensitive information necessary for the utility to fully understand and accurately assess the costs and benefits of their proposals. Persons or companies who otherwise would have submitted bids in response to the utility's RFPs might not do so if there is no assurance that their proposals would be protected from disclosure.

6. DEF negotiates with potential third party vendors to obtain competitive contracts for services that provide economic value to DEF and its ratepayers. In order to obtain such contracts, however, DEF must be able to assure these companies that sensitive business information will be kept confidential. DEF has kept confidential and has not publicly disclosed any of its confidential contract terms, including pricing. Absent such measures, these companies 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 would otherwise contract with DEF might decide not to do so if DEF did not keep those terms of their contracts confidential. Without DEF's measures to maintain the confidentiality, the Company's efforts to obtain competitive contracts would be undermined.

7. The information identified as Exhibit A is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public, and the Company has treated and continues to treat the information as confidential. Upon receipt of the proposals and contracts at issue, 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.

8. At no time since receiving or generating the bid proposals, contracts, and business analysis studies in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information at issue as confidential.

9. This concludes my affidavit.

Dated the 1<sup>st</sup> day of August, 2014.



(Signature)

Benjamin M.H. Borsch  
Director – IRP & Analytics – Florida  
Duke Energy Florida, Inc.  
299 First Avenue North  
St. Petersburg, FL 33701



THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 1<sup>st</sup> day of August, 2014 by Benjamin M.H. Borsch. He is ~~personally known to me~~, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

Jeanne L Costello  
(Signature)

Jeanne L Costello  
(Printed Name)

NOTARY PUBLIC, STATE OF FL

FEB 17 2016  
(Commission Expiration Date)

EE 866866  
(Serial Number, If Any)

