

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination )  
of Cost Effective Generation Alternative )  
to Meet Need Prior to 2018 for Duke )  
Energy Florida, Inc. )

DOCKET NO. 140111-EI  
Submitted for filing: August 5, 2014

**REDACTED**

COMMISSION  
CLERK

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**DUKE ENERGY FLORIDA, INC.'S TENTH REQUEST FOR CONFIDENTIAL  
CLASSIFICATION REGARDING PORTIONS OF RESPONSES  
TO STAFF'S FIRST SET OF INTERROGATORIES**

Duke Energy Florida, Inc. ("DEF" or the "Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code ("F.A.C."), files this Request for Confidential Classification Regarding Portions of Duke Energy Florida, Inc.'s responses to Staff's First Set of Interrogatories (Nos. 1-55). Specifically, DEF is seeking confidential classification of its response to Staff's First Set of Interrogatories, Numbers 7, 31 and 55. Unredacted versions of the documents discussed above are being filed under seal with the Commission as Appendix A on a confidential basis to keep the competitive business information in those documents confidential.

With respect to the confidential information contained in the responses to Staff's First Set of Interrogatories, DEF filed its Notice of Intent to Request Confidential Classification on July 15, 2014 (Document No. 03737-14). Pursuant to Rule 25-22.006(3), Florida Administrative Code, this request is timely. DEF hereby submits the following in support of its confidentiality request.

- COM \_\_\_\_\_
- AFD 1
- APA \_\_\_\_\_
- ECO 2
- ENG 2
- GCL 1
- IDM 1
- TEL \_\_\_\_\_
- CLK \_\_\_\_\_

*27 Redacted  
EXB*

## BASIS FOR CONFIDENTIAL CLASSIFICATION

Section 366.093(1), Florida Statutes, 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), Fla. Stat. 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), Fla. Stat. Specifically, “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” is defined as proprietary confidential business information. § 366.093(3)(d), Fla. Stat. Additionally, subsection 366.093(3)(e) defines “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information,” as proprietary confidential business information.

DEF is requesting confidential classification of the responsive information to Staff’s First Set of Interrogatories Nos. 7, 31 and 55, specifically as noted above and in the supporting Affidavit of Benjamin M.H. Borsch ¶¶ 3-4, because the responses contain proprietary and confidential competitive business information and contractual data and competitively sensitive commercial information and potential supplier data, the disclosure of which would adversely impact DEF’s competitive business interests. Affidavit of Borsch, ¶ 5. The Company must be able to assure these vendors that sensitive business information will be kept confidential. Indeed, most of the contracts at issue contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. Id. If third parties were made aware of confidential

contractual terms and conditions that the Company has with other parties, they may offer DEF less competitive contractual terms and conditions in any future contractual negotiations. Without DEF's measures to maintain the confidentiality of sensitive terms in these proposals and contracts between DEF and these vendors, the Company's efforts to obtain competitive contracts would be undermined. Affidavit of Borsch, ¶ 6.

### Confidentiality Procedures

Strict procedures are established and followed to maintain the confidentiality of the terms of all of the confidential documents and information at issue, including restricting access to those persons who need the information and documents to assist the Company. See Affidavit of Borsch, ¶ 7.

At no time has the Company publicly disclosed the confidential information or documents at issue; DEF has treated and continues to treat the information and documents at issue as confidential. See Affidavit of Borsch, ¶ 8. DEF requests this information be granted confidential treatment by the Commission.

### Conclusion

The competitive, confidential information at issue in this Request fits the statutory definition of proprietary confidential business information under Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C., and therefore that information should be afforded confidential classification. In support of this motion, DEF has enclosed the following:

(1) A separate, sealed envelope containing one copy of the confidential Appendix A to DEF's Tenth Request for Confidential Classification which DEF intends to request confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted. **This information should be accorded confidential treatment pending a decision on DEF's Request by the Commission;**

(2) Two copies of the documents with the information for which DEF intends to request confidential classification redacted by section, pages, or lines where appropriate as Appendix B; and,

(3) A justification matrix of the confidential information contained in Appendix A supporting DEF's Request, as Appendix C.

WHEREFORE, DEF respectfully requests that the redacted portions of DEF's response to Staff's First Set of Interrogatories Nos. 7, 31 and 55 be classified as confidential for the reasons set forth above.

Respectfully submitted this 5<sup>th</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 and overnight mail this 5<sup>th</sup> day of August, 2014.

/s/ Blaise N. Gamba

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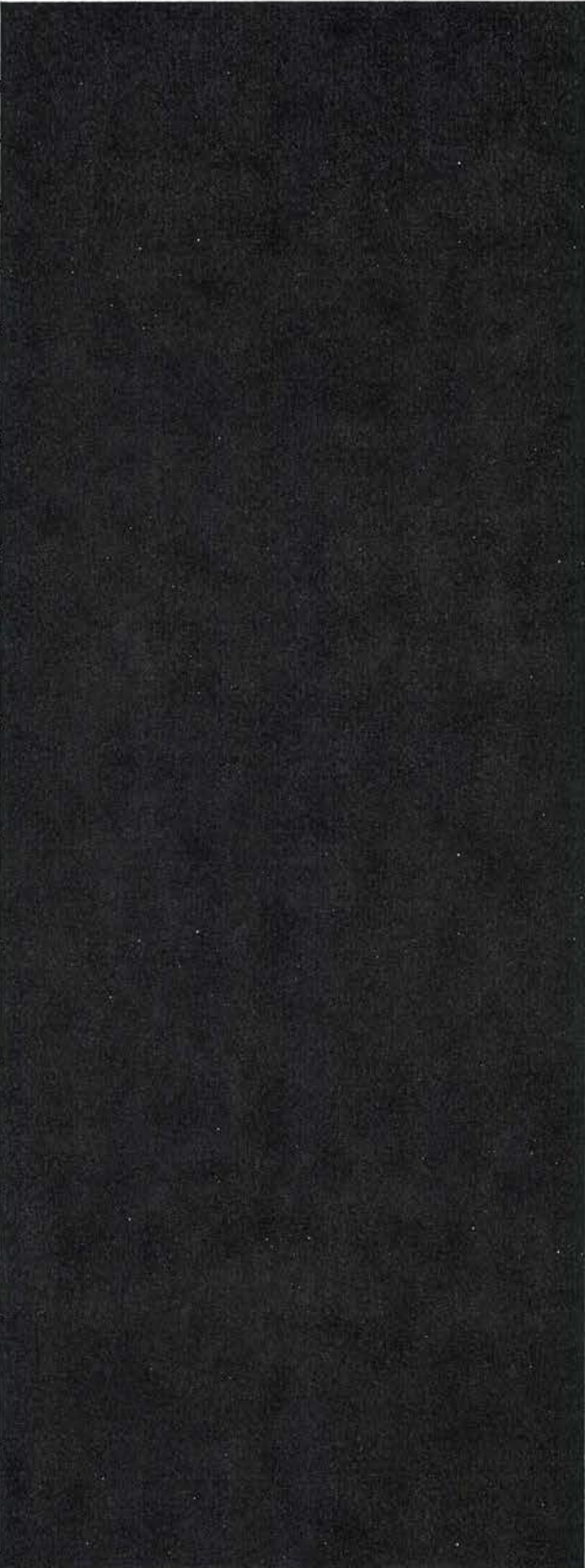
In re: Petition for Determination of Cost Effective Generation  
Alternative to Meet Need Prior To 2018 For Duke Energy Florida, Inc.

Duke Energy Florida, Inc.'s  
TENTH  
Request for Confidential Classification

**EXHIBIT B**

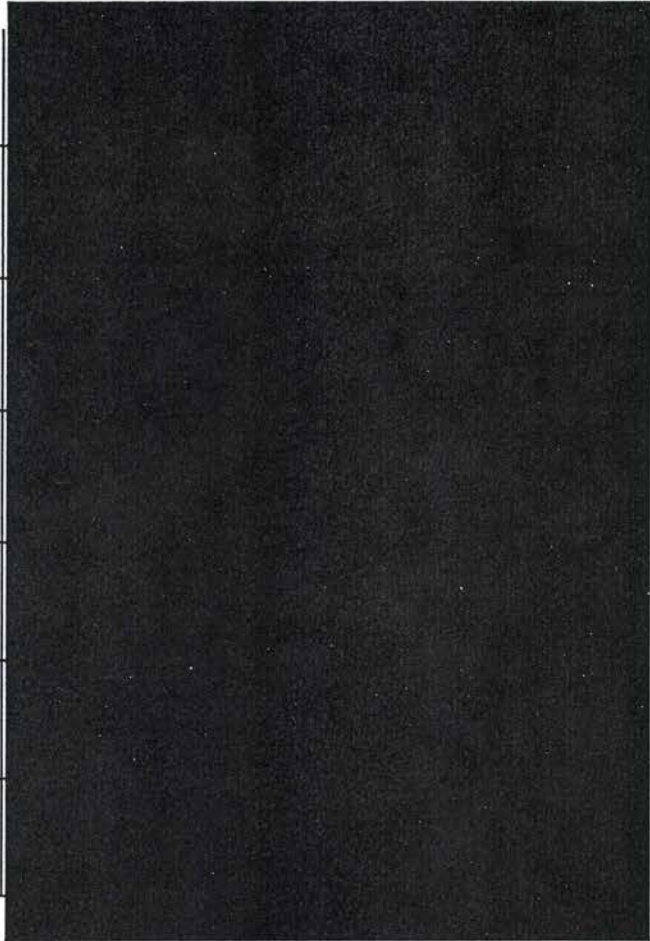
Renewable Contract	Discussion	
	MW	Status
G2	11	Terminated
Innovative Energy Group	116.6	Terminated
Horizon Energy	60	Terminated
Vision Power Systems	40	Terminated
National Solar – Alachua	2	Terminated
National Solar – Marion	50	Terminated
National Solar – Sumter	50	Terminated
National Solar – Lake	50	Terminated
National Solar – Polk	50	Terminated
National Solar - Columbia	50	Terminated
National Solar- Hamilton	50	Terminated
National Solar - Gilchrist	50	Terminated

National Solar - Gadsden	50	Under contract
National Solar - Hardee	50	Under contract
National Solar - Suwannee	50	Under contract
National Solar - Highlands	50	Under contract
National Solar - Osceola	50	Under contract
BG&E #1	45	Terminated
BG&E #2	75	Terminated
TMC/Jefferson	7	Terminated
Eliho Energy	8	Terminated
Hathaway Renewables	18	Withdrawn and Terminated
Hathaway Renewables	18	Withdrawn and Terminated
Hathaway Renewables	18	Withdrawn and Terminated
TransWorld Energy	40	Terminated





US EcoGen	60	Under contract
Team Gemini LLC	20	Terminated
Waste to Energy Partners LLC	20	Terminated
Waste to Energy Partners LLC	20	Terminated
Blue Chip	10	Under contract
Blue Chip	11	Under contract
E2E2, Inc.	30	Under contract





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Duke Energy Florida, Inc.'s  
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Spreadsheets bearing Bates Numbers  
14LGBRA-STAFFROG1-55-DOC1  
in their entirety

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Duke Energy Florida, Inc.'s  
Tenth  
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Spreadsheets bearing Bates Numbers  
14LGBRA-STAFFROG1-55-DOC2  
in their entirety

**DUKE ENERGY FLORIDA  
DOCKET NO. 140111-EI  
Tenth Request for Confidential Classification  
Confidentiality Justification Matrix**

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
		<p>The document portions in question contain confidential contractual 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), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>Duke Energy Florida, Inc.'s Responses to Staff's First Set of Interrogatories No. 55, Bates No. 14LGBRA-STAFFROG1-55-DOC2</p>	<p>Entire Document</p>	<p>366.093(3)(a), Fla. Stat. The document in question contains proprietary confidential information relating to trade secrets, the disclosure of which would impair DEF's business operations.</p> <p>§366.093(3)(d), Fla. Stat. The document portions in question contain confidential contractual 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), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

**DUKE ENERGY FLORIDA**  
**DOCKET NO. 140111-EI**  
**Tenth Request for Confidential Classification**  
**Confidentiality Justification Matrix**

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
Duke Energy Florida, Inc.'s Responses to Staff's First Set of Interrogatories No. 7, Bates No. 14LGBRA-STAFFROG1-7-000001 through 14LGBRA-STAFFROG1-7-000003	All information in last columns	<p>§366.093(3)(d), Fla. Stat. The document portions in question contain confidential contractual 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), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Duke Energy Florida, Inc.'s Responses to Staff's First Set of Interrogatories No. 7, Bates No. 14LGBRA-STAFFROG1-31-000001	Response Table, all information in 2 <sup>nd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> lines	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual 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), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Duke Energy Florida, Inc.'s Responses to Staff's First Set of Interrogatories No. 55, Bates No. 14LGBRA-STAFFROG1-55-DOC1	Entire Document	<p>366.093(3)(a), Fla. Stat. The document in question contains proprietary confidential information relating to trade secrets, the disclosure of which would impair DEF's business operations.</p> <p>§366.093(3)(d), Fla. Stat.</p>