

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 7, 2014

REDACTED

**DUKE ENERGY FLORIDA, INC.'S THIRTEENTH REQUEST FOR
CONFIDENTIAL CLASSIFICATION REGARDING PORTIONS OF RESPONSES
TO NRG FLORIDA LP'S THIRD SET OF INTERROGATORIES AND THIRD
REQUEST FOR PRODUCTION OF DOCUMENTS**

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 supplemental responses to NRG Florida LP's Third Set of Interrogatories (Nos. 118-124) and Third Request for Production of Documents (No. 31-35). Specifically, DEF is seeking confidential classification of its supplemental response to NRG Florida LP's Third Set of Interrogatories, Number 121, and Third Request for Production of Documents, Number 33. 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 supplemental responses to NRG Florida LP's discovery requests, DEF filed its Notice of Intent to Request Confidential Classification on July 17, 2014 (Document No. 03807-14) and Corrected Exhibit A on July 18, 2014 (Document No. 03814-14). 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 + 1 + 1 + 1
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IDM 1
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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 supplemental responsive information to NRG’s Third Set of Interrogatories No. 121 and Third Request for Production of Documents No. 33, specifically as noted above and in the supporting Affidavit of Benjamin M.H. Borsch ¶¶ 3-4, because the response contains 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 Thirteenth 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 supplemental response to NRG Florida LP's Third Set of Interrogatories No. 121 and Third Request for Production of Documents No. 33 be classified as confidential for the reasons set forth above.

Respectfully submitted this 7th 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 7th day of August, 2014.

/s/ Blaise N. Gamba

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DOCKET 140111-EI

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
Thirteenth
Request for Confidential Classification

EXHIBIT B

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 140111-EI

Served: July 17, 2014

**DUKE ENERGY FLORIDA, INC.'S SUPPLEMENTAL RESPONSES TO NRG
FLORIDA LP'S THIRD INTERROGATORIES NOS. 118-124
TO DUKE ENERGY FLORIDA, INC.**

Duke Energy Florida, Inc. ("DEF") provides its supplemental response to NRG Florida, LP's Third Interrogatories Nos. 118-124 to Duke Energy Florida, Inc., specifically as to Number 121, and states as follows:

GENERAL AND SPECIFIC OBJECTIONS

DEF incorporates and restates its General and Specific Objections to NRG Florida LP's Third Interrogatories Nos. 118-124, served on July 7, 2014, as if those objections were fully set forth herein.

INTERROGATORIES

121. Please state the firm gas transportation rates associated with Acquisition 1 that are reflected in Exhibit __ (BHMB-8).

RESPONSE:

REDACTED

DEF's analysis of Acquisition 1 reflected in Exhibit BMHB-8, which represents DEF's initial review, included firm gas transportation costs of \$9.880M per year over the study period, with no escalation assumed, to represent the cost of utilizing three existing gas contracts identified in information provided by NRG to DEF for the analysis by the Acquisition 1 party. DEF assumed firm gas transportation rates of [REDACTED] per DTh/day for the FGT [REDACTED] contract and [REDACTED] per DTh/day for the FGT [REDACTED] contracts. Note that it was later determined in subsequent DEF studies that the first two of these contracts would not be eligible for use by DEF if the facility was acquired. The summary of gas transportation assumptions used in this initial study are documented in the files provided in response to NRG's 3rd Document Request No. 33.

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In re: Petition for Determination of Cost Effective Generation
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Duke Energy Florida, Inc.'s
Thirteenth
Request for Confidential Classification

Documents bearing Bates Numbers
14LGBRA-NRGPOD3-33-000001
in its entirety

DOCKET 140111-EI

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
Thirteenth
Request for Confidential Classification

Documents bearing Bates Numbers
14LGBRA-NRGPOD3-33-000002
through
14LGBRA-NRGPOD3-33-000006
in its entirety

DOCKET 140111-EI

In re: Petition for Determination of Cost Effective Generation
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Duke Energy Florida, Inc.'s
Thirteenth
Request for Confidential Classification

Documents bearing Bates Numbers
14LGBRA-NRGPOD3-33-000007
through
14LGBRA-NRGPOD3-33-000008
in its entirety

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

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
Duke Energy Florida, Inc.'s Supplemental Responses to NRG Florida LP's Third Set of Interrogatories No. 121	Response, 6 th line, second, eighth, and eleventh words; 7 th line, second word	<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, Inc.'s Supplemental Responses to NRG Florida LP's Third Request for Production No. 33, Bates No. 14LGBRA-NRGPOD3-33-000001	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. 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</p>

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Confidentiality Justification Matrix

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
		contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.
Duke Energy Florida, Inc.'s Supplemental Responses to NRG Florida LP's Third Request for Production No. 33, Bates No. 14LGBRA-NRGPOD3-33-000002 through 14LGBRA-NRGPOD3-33-000006	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. 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 Supplemental Responses to NRG Florida LP's Third Request for Production No. 33, Bates No. 14LGBRA-NRGPOD3-33-000007 through 14LGBRA-NRGPOD3-33-000008	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. The document portions in question contain confidential contractual information, the disclosure of which</p>

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Confidentiality Justification Matrix**

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
		<p>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>

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to Meet Need Prior to 2018 for Duke) Submitted for filing: August 7, 2014
Energy Florida, Inc.)
_____)

**DUKE ENERGY FLORIDA, INC.'S NOTICE OF FILING AFFIDAVIT IN SUPPORT
OF THIRTEENTH 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 Thirteenth Request for Confidential Classification.

Respectfully submitted,

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