

**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 28, 2014

**REDACTED**

**DUKE ENERGY FLORIDA, INC.'S EIGHTEENTH REQUEST FOR  
CONFIDENTIAL CLASSIFICATION REGARDING RESPONSE TO  
STAFF'S THIRD INTERROGATORIES NO. 63 AND THIRD  
REQUEST FOR PRODUCTION OF DOCUMENTS NOS. 17 AND 18**

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 DEF's Response to Staff's Third Set of Interrogatories No. 63 and Third Request for Production of Documents Nos. 17 and 18. An unredacted version of the documents discussed above is 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 response to Staff's discovery requests, DEF filed its Notice of Intent to Request Confidential Classification on August 8, 2014 (Document No. 04348-14). 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 *Redacted Ex B*  
GCL 1  
IDM 1  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

**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

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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 responses to Staff's Third Interrogatories No. 63 and Third Request for Production of Documents Nos. 17 and 18, 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 Eighteenth 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 Third Set of Interrogatories and Third Request for Production of Documents Nos. 17 and 18 be classified as confidential for the reasons set forth above.

Respectfully submitted this 28<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 28<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  
Eighteenth  
Request for Confidential Classification

**EXHIBIT B**

63. Has DEF had an opportunity to evaluate/analyze Calpine's July 2014 offer as described on pages 7-10 of Calpine witness Thornton's testimony.

a. If yes, please provide the results of evaluation/analysis (including all economic evaluations).

**REDACTED**

**RESPONSE:**

[REDACTED]

Details of this analysis can be found in Exhibit BMHB-18 to the rebuttal testimony of Mr. Benjamin Borsch.

b. If no, does DEF plan to evaluate/analyze Calpine's July 2014 offer?

- If no, please explain why not.

**RESPONSE:**

N/A.

c. If no, does DEF believe that one of its existing analyses (i.e. the Company's initial detailed economic evaluation) provides a comparable evaluation?

- If yes, please identify which one.

**RESPONSE:**

N/A.

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Document bearing Bates Numbers  
14LGBRA-STAFFPOD3-17-000001  
through  
14LGBRA-STAFFPOD3-17-000078  
in its entirety



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Document bearing Bates Numbers  
14LGBRA-STAFFPOD3-18-000001  
through  
14LGBRA-STAFFPOD3-18-000844  
in its entirety

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

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
Duke Energy Florida, Inc.'s Response to Staff Third Interrogatories No. 63	Response: 1 <sup>st</sup> paragraph in its entirety	<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 Response to Staff's Third Request for Production of Documents No. 17 bearing Bates Numbers 14LGBRA-STAFFPOD3-17-000001 through 14LGBRA-STAFFPOD3-17-000078	All pages in their entirety	<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 Response to Staff's Third Request for Production of Documents No. 18 bearing Bates Numbers 14LGBRA-STAFFPOD3-18-000001 through 14LGBRA-STAFFPOD3-18-000844	All pages in their entirety	<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>