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October 16, 2014

**VIA ELECTRONIC FILING**

Ms. Carlotta Stauffer, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: *Docket 140124-PU – Amendment of Rule 25-6.014, F.A.C., Records and Reports in General, Rule 25-6.015, F.A.C., Location and Preservation of Records, Rule 25-7.014, F.A.C., Records and Reports in General, Rule 25-7.015. F.A.C., Location and Preservation of Records, and Rule 25-7.0461, F.A.C., Capitalization Versus Expensing.*

Dear Ms. Stauffer:

Please file this response to the October 7, 2014 Comments provided by the Office of Public Counsel (“OPC’s Comments”) in the above-referenced docket and please email a copy to all interested persons.

Point 2 of OPC’s Comments address Staff’s recommendation to eliminate the exceptions to the record retention requirement in Rule 25-6.015(3)(a) (“The Rule”).<sup>1</sup> The exceptions in section (3)(a) of the current Rule mandate greater retention periods for certain classes of records than the retention periods outlined in Title 18, Subchapter C, Part 125 Code of Federal Regulations (“FERC Part 125”).

On or about February 5, 2014, Notice of Development of Rulemaking was published in the Florida Administrative Register. On March 17, 2014, Duke Energy Florida, Inc. (“DEF”), with support from Gulf Power Co., proposed to Staff that as part of the on-going rule development, the Rule should be amended to eliminate section (3)(a)’s extended record retention periods. DEF stated that the “change would promote administrative efficiency by eliminating the conflicting retention requirements as well as provide cost savings as far as storage is concerned.”

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<sup>1</sup> OPC’s Comments apply equally to Rule 25-7.015; however, that Rule does not apply to DEF and therefore this Response is limited to the proposed amendments to Rule 25-6.015.

OPC's Comments raise two points: first, DEF did not state what incremental costs had been incurred since 2004 to maintain records in accordance with the extended retention periods; and second, OPC asked if Staff received or performed any analysis to explain what circumstances or reasoning has changed since the exceptions were adopted without objection in 2004.

To the first point, DEF has not calculated the incremental cost incurred to date as a result of the Rule's extended retention periods or the incremental costs that would be incurred if the Rule was not amended. It is DEF's position that the costs associated with storing records for 20 years are greater than the costs of storing records for 10 years, and, therefore, that utilities would incur some amount of savings as a result of eliminating the requirement to retain these records for an additional ten years.

To OPC's second point, DEF has not performed or provided any analysis to explain what circumstances or reasoning have changed since the Rule was amended in 2004. DEF does not necessarily agree with the premise that a change must have occurred in order to justify removing the additional document retention requirements. While it's possible that there were no objections to this requirement when it was adopted in 2004, that does not mean it should not be subject to reevaluation at a later date.

However, in the interests of administrative efficiency and to avoid any unnecessary delay in the adoption of the other proposed amendments with which no one has raised any issue, DEF withdraws its proposed amendment eliminating section (3)(a) from Rule 25-6.015. DEF has discussed this withdrawal with representatives of Florida Power & Light, Gulf Power, and Tampa Electric Company, and is authorized to represent that those companies support DEF's withdrawal. OPC also supports the withdrawal of DEF's proposed changes.

Respectfully,

/s/ Matthew R. Bernier

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MRB