



Matthew R. Bernier
Senior Counsel
Duke Energy Florida, Inc.

March 3, 2015

RECEIVED - FPSC
15 MAR - 3 PM 4:23
COMMISSION
CLERK

VIA HAND-DELIVERY

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

Re: *Fuel and Purchased Power Cost Recovery Clause and Generating Performance
Incentive Factor; Docket No. 150001-EI*

Dear Ms. Stauffer:

Please find enclosed for filing on behalf of Duke Energy Florida, Inc. ("DEF"), an original and (7) copies of DEF's Request for Confidential Classification filed in connection with the direct testimony of Christopher A. Menendez for the Fuel and Capacity Cost Recovery 2014 Actual True-Up Testimony and Schedules. The filing includes:

- DEF's Request for Confidential Classification
- Slipsheet for confidential Exhibit A
- Slipsheet for redacted Exhibit B
- Exhibit C (justification matrix), and
- Exhibit D (affidavit)

At your direction, Exhibits A and B are submitted under separate cover.

Thank you for your assistance in this matter. Please feel free to call me at (850) 521-1428 should you have any questions concerning this filing.

Respectfully,

Matthew R. Bernier
Senior Counsel

MRB/db
Enclosures

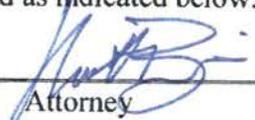
cc: Certificate of Service

COM	_____
AFD	3
APA	_____
ECO	1
ENG	_____
GCL	2
IDM	1
TEL	_____
CLK	_____

Duke Energy Florida, Inc.
Docket No.: 150001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 3rd day of March, 2015 to all parties of record as indicated below.



Attorney

<p>Suzanne Brownless, Esq. Danijela Janjic, Esq. John Villafrate, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us djanjic@psc.state.fl.us jvillafr@psc.state.fl.us</p> <p>James D. Beasley, Esq. J. Jeffrey Wahlen, Esq. Ashley M. Daniels, Esq. Ausley McMullen Law Firm P.O. Box 391 Tallahassee, FL 32302 jbeasley@ausley.com jwahlen@ausley.com adaniels@ausley.com</p> <p>Jeffrey A. Stone/Russell A. Badders/ Steven R. Griffin Beggs & Lane P.O. Box 12950 Pensacola, FL 32591 jas@beggslane.com rab@beggslane.com srg@beggslane.com</p> <p>Jon C. Moyle, Jr., Esq. Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com</p>	<p>Ms. Cheryl Martin Florida Public Utilities Company 911 South 8th Street Fernandina Beach, FL 32034 Cheryl.Martin@fpuc.com</p> <p>Robert Scheffel Wright, Esq. John T. LaVia, III, Esq. c/o Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p> <p>Robert L. McGee, Jr. Gulf Power Company One Energy Place Pensacola, FL 32520-0780 rlmcgee@southernco.com</p> <p>Beth Keating Gunster, Yoakley & Stewart, P.A. 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 bkeating@gunster.com</p> <p>John T. Butler, Esq. Florida Power & Light Company 700 Universe Boulevard (LAW/JB) Juno Beach, FL 33408-0420 john.butler@fpl.com</p>	<p>James W. Brew/Owen J. Kopon/Laura A. Wynn Brickfield Law Firm 1025 Thomas Jefferson Street NW 8th Floor, West Tower Washington, DC 20007 jbrew@bbrslaw.com owen.kopon@bbrslaw.com laura.wynn@bbrslaw.com</p> <p>Charles J. Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 rehwinkel.charles@leg.state.fl.us</p> <p>Ms. Paula K. Brown Manager, Regulatory Coordination Tampa Electric Company P.O. Box 111 Tampa, FL 33601 regdept@tecoenergy.com</p> <p>Kenneth Hoffman Florida Power & Light Company 215 S. Monroe Street, Suite 810 Tallahassee, FL 32301-1858 ken.hoffman@fpl.com</p>
---	---	---

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating
performance incentive factor.

Docket No. 150001-EI

Dated: March 3, 2015

**DUKE ENERGY FLORIDA INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, Inc. ("DEF" or "Company"), pursuant to Section 366.093, Florida Statutes ("F.S."), and Rule 25-22.006, Florida Administrative Code ("F.A.C."), submits its Request for Confidential Classification for certain information contained in Exhibit No. ___ (CAM-2T), Calculation of Actual True-Up, Sheet 2 of 3, and Exhibit ___ (CAM-3T), specifically Schedule A12 (Sheet 9 of 9), to the direct testimony of Christopher A. Menendez filed on March 3, 2015. In support of this Request, DEF states:

1. Exhibit No. ___ (CAM-2T), Calculation of Actual True-Up (Sheet 2 of 3), and Exhibit No. ___ (CAM-3T), Schedule A12 (Sheet 9 of 9), contain information that is "proprietary confidential business information" under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing unredacted copies of all the documents for which DEF seeks confidential treatment. Composite Exhibit A is being

submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted versions, the information asserted to be confidential is highlighted by yellow marker.

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Exhibit C is a table which identifies by page and line the information for which DEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

3. As indicated in Exhibit C, the information for which DEF requests confidential classification is "proprietary confidential business information" within the meaning of Section 366.093(3), F.S. Specifically, the information at issue relates to contractual cost data pertaining to the Calpine Osprey power purchase agreement. Pursuant to contract, DEF is obligated to maintain the confidentiality of this information, and therefore it qualifies for confidential classification. *See* § 366.093(3)(d), F.S.; Affidavit of Christopher A. Menendez at ¶ 5. If DEF cannot assure contracting parties that it can maintain the confidentiality of contractual terms, those parties and other similarly situated parties may forego entering contracts with DEF, to the detriment of DEF's competitive business interests. *See* § 366.093(3)(d), F.S.; Affidavit of Christopher A. Menendez at ¶¶ 5-6. Furthermore, the information at issue relates to the competitive interests of DEF and its power suppliers, the disclosure of which would impair their competitive businesses. *See* § 366.093(3)(e), F.S.; Affidavit of Christopher A. Menendez at ¶ 6. Finally, certain information under claim of confidentiality must be protected because disclosure of that information would allow other parties and the public to compute the

confidential information discussed above (e.g., cost subtotals and totals), and therefore that information must be protected from public disclosure in order to protect the contractual information at issue. *See* § 366.093(3)(d) & (e), F.S.; Affidavit of Christopher A. Menendez at ¶ 5. Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Christopher A. Menendez at ¶ 7. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. *See* Affidavit of Christopher A. Menendez at ¶ 7.

5. DEF requests that the information identified in Exhibit A be classified as “proprietary confidential business information” within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4) F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this Request for Confidential Classification be granted.

Respectfully submitted this 3rd day of March, 2015.



DIANNE M. TRIPLETT
Associate General Counsel
MATTHEW R. BERNIER
Senior Counsel
Duke Energy Florida, Inc.
Post Office Box 14042
St. Petersburg, Florida 33733-4042
Telephone: 727-820-5587
Facsimile: 727-820-5519
Email:
Dianne.Triplett@Duke-Energy.com
Matthew.Bernier@Duke-Energy.com

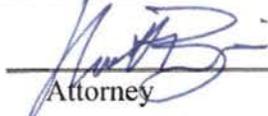
Attorneys for
DUKE ENERGY FLORIDA, INC.

Duke Energy Florida, Inc.

Docket No.: 150001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 3rd day of March, 2015 to all parties of record as indicated below.


Attorney

<p>Suzanne Brownless, Esq. Danijela Janjic, Esq. John Villafrate, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us djanjic@psc.state.fl.us jvillafr@psc.state.fl.us</p> <p>James D. Beasley, Esq. J. Jeffrey Wahlen, Esq. Ashley M. Daniels, Esq. Ausley McMullen Law Firm P.O. Box 391 Tallahassee, FL 32302 jbeasley@ausley.com jwahlen@ausley.com adaniels@ausley.com</p> <p>Jeffrey A. Stone/Russell A. Badders/ Steven R. Griffin Beggs & Lane P.O. Box 12950 Pensacola, FL 32591 jas@beggslane.com rab@beggslane.com srg@beggslane.com</p> <p>Jon C. Moyle, Jr., Esq. Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com</p>	<p>Ms. Cheryl Martin Florida Public Utilities Company 911 South 8th Street Fernandina Beach, FL 32034 Cheryl_Martin@fpuc.com</p> <p>Robert Scheffel Wright, Esq. John T. LaVia, III, Esq. c/o Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlvia@gbwlegal.com</p> <p>Robert L. McGee, Jr. Gulf Power Company One Energy Place Pensacola, FL 32520-0780 rlmcgee@southernco.com</p> <p>Beth Keating Gunster, Yoakley & Stewart, P.A. 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 bkeating@gunster.com</p> <p>John T. Butler, Esq. Florida Power & Light Company 700 Universe Boulevard (LAW/JB) Juno Beach, FL 33408-0420 john.butler@fpl.com</p>	<p>James W. Brew/Owen J. Kopon/Laura A. Wynn Brickfield Law Firm 1025 Thomas Jefferson Street NW 8th Floor, West Tower Washington, DC 20007 jbrew@bbrslaw.com owen.kopon@bbrslaw.com laura.wynn@bbrslaw.com</p> <p>Charles J. Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 rehwinkel.charles@leg.state.fl.us</p> <p>Ms. Paula K. Brown Manager, Regulatory Coordination Tampa Electric Company P.O. Box 111 Tampa, FL 33601 regdept@tecoenergy.com</p> <p>Kenneth Hoffman Florida Power & Light Company 215 S. Monroe Street, Suite 810 Tallahassee, FL 32301-1858 ken.hoffman@fpl.com</p>
---	---	---

Exhibit A

“CONFIDENTIAL”

Exhibit B

REDACTED

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
Exhibit No. ____ (CAM-2T) Sheet 2 of 3	Columns titled "Actual Oct", "Actual Nov", "Actual Dec" and "YTD", rows 10, 11, 13, 16, 17, 19, 21, 23-25, and 27 contain specific contractual costs.	<p>§366.093(3)(d), F.S. The document in question contains confidential 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), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
Exhibit No. ____ (CAM-3T) Schedule A12, Sheet 9 of 9	Columns "Oct", "Nov", "Dec", and "YTD"; rows under "Purchases/Sales (Net) contain specific contract costs.	<p>§366.093(3)(d), F.S. The document in question contains confidential 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), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

Exhibit D
AFFIDAVIT OF
CHRISTOPHER A.
MENENDEZ

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating
performance incentive factor

Docket No. 150001-EI

Dated: March 3, 2015

**AFFIDAVIT OF CHRISTOPHER A. MENENDEZ IN SUPPORT OF
DUKE ENERGY FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Christopher A. Menendez, who being first duly sworn, on oath deposes and says that:

1. My name is Christopher A. Menendez. I am over the age of 18 years old and I have been authorized by Duke Energy Florida (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 "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Rates and Regulatory Strategy Manager within the Rates and Regulatory Strategy Department. This department is responsible for regulatory planning and cost recovery for DEF.

3. As the Rates and Regulatory Strategy Manager, I am responsible, along with the other members of the section, for the production and review of the regulatory financial reports of DEF and analysis of state, federal and local regulations and their impact on DEF.

4. DEF is seeking confidential classification for a portion of Exhibit No. ___ (CAM-2T), Calculation of Actual True-Up, Sheet 2 of 3, and Exhibit No. ___ (CAM-3T), specifically Schedule A12, Sheet 9 of 9, to my direct testimony filed on March 3, 2015 in this docket. The confidential information at issue is contained in confidential Exhibit A to DEF's Request and is outlined in DEF's Justification Matrix attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains competitively sensitive contractual confidential business information of capacity suppliers DEF contracts with.

5. DEF negotiates with potential capacity suppliers to obtain competitive contracts for capacity purchase options that provide economic value and system reliability to DEF and its ratepayers. In order to obtain such contracts, however, DEF must be able to assure capacity suppliers such as Calpine that sensitive business information, such as the amounts paid for MWs purchased, will be kept confidential and DEF enters into contracts that require the information will be protected from disclosure. In order to protect this confidential information, it is also necessary to keep additional information that could be used to compute or the confidential information at issue if made public; for example, if costs relating to one contract were held confidential but all other contractual costs and the resulting subtotal were public, the confidential information would become apparent. For this reason, DEF has held confidential the remaining

information on the subject exhibits that could be used to compute to the confidential information in need of protection.

6. Absent such measures, suppliers 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 otherwise would contract with DEF might decide not to do so if DEF did not keep those terms confidential. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and capacity suppliers, the Company's efforts to obtain competitive capacity contracts could be undermined. Additionally, the disclosure of confidential information in DEF's capacity purchases could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive capacity purchase options that provide economic value to both DEF and its ratepayers could be compromised by DEF's competitors changing their consumption or purchasing behavior within the relevant markets.

7. Upon receipt of confidential information from capacity suppliers, 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. At no time since receiving the contracts and information in question has the Company publicly disclosed that information or contracts. The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 27 day of February, 2015.



(Signature)
Christopher A. Menendez
Rates and Regulatory Strategy Manager
Rates and Regulatory Strategy
Duke Energy Florida
Post Office Box 14042
St. Petersburg, FL 33733

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 27 day of February, 2015, by Christopher A. Menendez. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.



(Signature)
Sarah Hirschman Libes

(Printed Name)
NOTARY PUBLIC, STATE OF FLORIDA

3/23/2018
(Commission Expiration Date)

FF105231
(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)



Sarah Hirschman Libes
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF105231
Expires 3/23/2018