

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination that)
the Osprey Plant Acquisition and,)
alternatively, the Suwannee Simple)
Cycle Project is the most Cost Effective)
Generation Alternative to meet the)
Remaining Need Prior to 2018 for)
Duke Energy Florida, Inc.)
_____)

DOCKET NO. 150043-EI
Submitted for filing: April 21, 2015

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DUKE ENERGY FLORIDA, INC.'S FOURTH REQUEST FOR CONFIDENTIAL CLASSIFICATION REGARDING DEF'S SUPPLEMENTAL RESPONSE TO STAFF'S REQUEST FOR PRODUCTION OF DOCUMENTS NO. 2

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 Supplemental Response to Staff's First Request for Production of Document No. 2. Specifically, the documents provided in DEF's supplemental response to Staff's First Request for Production of Documents No. 2 contain proprietary confidential business and contractual information the disclosure of which would adversely impact DEF's and third parties' competitive business interests and, if publicly disclosed, would violate contractual confidentiality provisions. 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 supplemental response to

COM _____ Staff's discovery request No. 2, DEF filed its Notice of Intent to Request Confidential
AFD 2 Classification on April 1, 2015 (Document No. 01769-15). Pursuant to Rule 25-22.006(3),
APA _____
ECO 2 Florida Administrative Code, this request is timely. DEF hereby submits the following in
ENG 2+ redacted support of its confidentiality request.
GCL 1
IDM _____
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 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. Subsection 366.093(3)(a) also states that information relating to “trade secrets” qualifies as proprietary confidential business information.

DEF is requesting confidential classification of the supplemental response to Staff’s First Request for Production of Documents No. 2 specifically as noted above and in the supporting Affidavit of Mark E. Landseidel because the documents contain proprietary and confidential competitive business information and contractual data and competitively sensitive commercial information and supplier financial and trade secret data, the disclosure of which would adversely impact DEF’s and its vendors competitive business interests. See Affidavit of Landseidel, ¶¶ 4-5. When vendors are submitting proposals to, contracting with, and/or providing information to DEF the Company must be able to assure its vendors that sensitive business information,

including costs negotiated for services, will be kept confidential. Id. at ¶ 5. Indeed, most of the documents at issue contain confidentiality provisions that prohibit disclosure to third parties. Id. If third parties were made aware of confidential 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. Id. Without DEF's measures to maintain the confidentiality of these contracts between DEF and these vendors, the Company's efforts to obtain competitive services would be undermined. Id. at ¶ 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. Id. at ¶ 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. Id. at ¶ 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 Fourth 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 documents included in DEF's supplemental response to Staff's First Request for Production of Documents No. 2 be classified as confidential for the reasons set forth above.

Respectfully submitted this 21st day of April, 2015.

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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 U.S. mail this 21st day of April, 2015.

/s/ Blaise N. Gamba

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination that
the Osprey Plant Acquisition and,
alternatively, the Suwannee Simple
Cycle Project is the most Cost Effective
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Remaining Need Prior to 2018 for
Duke Energy Florida, Inc.

DOCKET NO. 150043-EI

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

EXHIBIT B

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination that
the Osprey Plant Acquisition and,
alternatively, the Suwannee Simple
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Documents bearing Bates Nos.

15LGBRA-STAFFPOD1-2S-000001

through

15LGBRA-STAFFPOD1-2S-000032

are redacted in their entirety

**DUKE ENERGY FLORIDA
DOCKET NO. 150043-EI
Fourth Request for Confidential Classification
Confidentiality Justification Matrix**

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
<p>Duke Energy Florida, Inc.'s Supplemental Response to Staff's First Request for Production No. 2, Bates Nos. 15LGBRA-STAFFPOD1-2S-000001 through 15LGBRA-STAFFPOD1-2S-000032</p>	<p>All pages in their entirety</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>