



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

July 22, 2015

VIA ELECTRONIC FILING

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

Re: *FPSC Review of Coal Combustion Residual Storage and Disposal Processes of the Florida Electric Industry; Docket No. 110323-EI.*

Dear Ms. Stauffer:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, Inc. ("DEF"), DEF's Second Request for Extension of Confidential Classification concerning portions of information in DEF's Responses to Staff's Data Request 2 pertaining to FPSC's Review of Coal Combustion Residual Storage and Disposal Processes of the Florida Electric Industry (document number 08612-11) filed in docket no. 110323-EI and Exhibit D, Affidavit of Tony Mathis in Support of DEF's Second Request for Extension of Confidential Classification. The original Request included Exhibits A, B, and C.

There are no changes to the original Request's Exhibit A consisting of the confidential unredacted documents, Exhibit B containing two (2) redacted copies of the confidential document, or Exhibit C containing a justification table in support of DEF's original Request. The aforementioned exhibits remain on file with the Clerk.

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,

s/Matthew R. Bernier

Matthew R. Bernier

Senior Counsel

Matthew.Bernier@duke-energy.com

MRB/mw
Enclosures
cc: Certificate of Service

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: FPSC Review of Coal Combustion) Residual Storage and Disposal Processes of) the Florida Electric Industry) <hr style="width: 100%; border: 0.5px solid black; margin-bottom: 5px;"/>)	Docket No.: 110323-EI Filed: July 22, 2015
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**DUKE ENERGY FLORIDA, INC.’S
SECOND REQUEST FOR EXTENSION OF 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.), hereby submits its Second Request for Extension of Confidential Classification of certain information provided to the Florida Public Service Commission (“FPSC” or “Commission”) Staff (“Staff”) during the FPSC’s Review of Coal Combustion Residual Storage and Disposal Processes of the Florida Electric Industry (the “Report”), as well as portions of DEF’s¹ Responses to Data Request 2, specifically certain information regarding disposal costs and other contractual confidential information. In support of this Request, DEF states as follows:

1. On November 23, 2011, DEF filed a request for confidential classification of information provided in response to Staff’s Second Data Request and in the Report, including confidential disposal cost information and contractual information associated with DEF’s Storage and Disposal agreements (the “Request”). See Document No. 08612-11, Docket No. 110323-EI. DEF hereby incorporates the Request, as well as confidential Exhibit A, Exhibit B, and Exhibit C to the Request as if fully set forth herein.

2. DEF’s November 23, 2011 Request was granted by Order No. PSC-12-0036-CFO-EI on January 24, 2012. The information granted confidential classification by Order No. PSC-12-0036-CFO-EI.

¹ The confidential information at issue was provided to the Commission by DEF’s predecessor, Progress Energy Florida, Inc. (“PEF”).

3. By Order No. PSC-14-0048-CFO-EI, dated January 23, 2014, the commission granted DEF's First Request for Extension of Confidential Classification. The documents and information warrants continued treatment as proprietary and confidential business information within the meaning of Section 366.093(3), Florida Statutes. Accordingly, DEF is hereby filing its Second Request for Extension of Confidential Classification.

3. DEF submits that the information referenced above and identified in Exhibit "C" and included in Composite Exhibit "A" to the Request, continues to be proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. This information is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public. Pursuant to Section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. *See Affidavit of Tony Mathis, ¶¶ 5-7.*

4. Nothing has changed since the issuance of Order No. PSC-12-0036-CFO-EI to render the information stale or public, such that continued confidential treatment would not be appropriate. *See Affidavit of Tony Mathis, ¶ 4.* Upon a finding by the Commission that this information continues to be "proprietary confidential business information," it should continue to be treated as such for an additional period of at least 18 months, and should be returned to DEF as soon as the information is no longer necessary for the Commission to conduct its business. *See § 366.093(4), Fla. Stat.*

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

RESPECTFULLY SUBMITTED this 22nd day of July, 2015.

Respectfully submitted,

/s/ Matthew R. Bernier

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Attorneys for DUKE ENERGY FLORIDA, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 22nd day of July, 2015.

/s/ Matthew R. Bernier

Attorney

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: FPSC Review of Coal Combustion
Residual Storage and Disposal Process
Of the Florida Electric Industry.

Docket No. 110323-EI

Dated: July 22, 2015

**AFFIDAVIT OF TONY MATHIS IN SUPPORT OF
DUKE ENERGY FLORIDA'S REQUEST FOR A
SECOND EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Tony Mathis. 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 Second Request for Extension of Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Manager of Byproducts Beneficial Reuse & Technical Support. My job description is to manage the commercial beneficial reuse and sales of all the applicable byproducts within the Duke Energy regulated fleet.

3. As such, I am responsible for the sales and marketing of coal combustion products to various customers for DEF's coal generation facilities.

4. DEF is seeking a second extension of confidential classification for portions of information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix C. The referenced Exhibits are on file with the Clerk. DEF is requesting a second extension of confidential classification of this information because it contains sensitive business information, the disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms.

5. DEF negotiates with potential coal ash residual end-users to obtain competitive contracts for coal ash products that provide economic value to DEF and its ratepayers. In order to obtain such contracts, however, DEF must be able to assure customers that sensitive business information, such as pricing, will be kept confidential. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed confidential information pertaining to the coal ash product costs. Absent such measures, customers would run the risk that sensitive business information that they provide in their bids/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 specific information confidential. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and suppliers, the Company's efforts to obtain competitive coal ash residual contracts could be undermined.

6. Additionally, the disclosure of confidential information in the contracts, could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive supply 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 fuel 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. At no time since receiving the pricing information in question has the Company publicly disclosed that information. 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 22nd day of July, 2015.

Tony Mathis
(Signature)

Tony Mathis
Manager of Byproducts & Reagents
CCP Operations & Maintenance
Duke Energy
400 South Tryon Street
Charlotte, NC

22nd THE FOREGOING INSTRUMENT was sworn to and subscribed before me this day of July, 2015 by Tony Mathis. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

Muriel R. Spear
(Signature)

Muriel R. Spear
(Printed Name)

NOTARY PUBLIC, STATE OF North Carolina

October 20, 2018
(Commission Expiration Date)

(Serial Number, If Any)

