

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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IN RE: NUCLEAR COST RECOVERY  
CLAUSE

Docket No. 150009-EI  
Submitted for Filing: July 29, 2015

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**DUKE ENERGY FLORIDA'S REQUEST FOR EXTENSION OF  
CONFIDENTIAL CLASSIFICATION REGARDING THE INFORMATION  
COVERED BY ITS FIFTH REQUEST FOR CONFIDENTIAL  
CLASSIFICATION IN DOCKET NO. 130009-EI (DOCUMENT NO. 02827-13)**

Duke Energy Florida, Inc. ("DEF" or the "Company"), pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006(9)(c), Florida Administrative Code, requests an extension of the confidential classification of portions of certain documents and hearing exhibits filed in Docket No. 130009-EI identified in Document No. 02827-13 as part of DEF's 5/1/2013 petition for approval of costs to be recovered. The Commission granted DEF's Fifth Request for Confidential Classification regarding these documents in Order No. PSC-14-0065-CFO-EI, dated January 29, 2014, therefore, this request is timely. Portions of these documents were granted confidential classification because they contain proprietary and confidential business and financial information which the Company does not disclose to the public, including contractual terms and costs related to the company's nuclear projects, the disclosure of which would harm the Company's competitive business interests and in many cases would violate contractual confidentiality clauses. The Company continues to treat the information contained in these documents as confidential and does not disclose it to the public. Pursuant to section 366.093(3), Florida Statutes, this information continues to be proprietary confidential business information.

In support of this Request, DEF states as follows:

1. Portions of the testimony and exhibits of Mr. Christopher Fallon as well as portions of the testimony and exhibits of Mr. Thomas Foster and portions of the exhibits of Mr.

Garry Miller, which were admitted as Hearing Exhibits in Docket No. 130009, contain confidential, proprietary business information regarding equipment, materials, and services for the Levy Nuclear Project (“LNP”) and the Crystal River Unit 3 (“CR3”) Power Uprate Project (“CR3 Uprate” and collectively with LNP the “Nuclear Projects”).

2. More specifically, DEF requests continuing confidential classification for the documents identified in Document No. 02827-13, specifically, (1) portions of Mr. Foster’s testimony and attached Exhibit Nos. \_\_\_\_ (TGF-3) through (TGF-5) and (TGF-7) (collectively the “NFRs”); (2) portions of Mr. Fallon’s testimony and Exhibit No. \_\_\_\_ (CMF-3); and (3) portions of Mr. Miller’s Exhibit No. \_\_\_\_ (GM-3). These documents contain contractual information and costs regarding the Nuclear Projects, the disclosure of which would impair DEF’s competitive business interests. See Affidavit of Fallon, ¶ 3; Affidavit of Teague, ¶ 3-4.

3. The Company continues to treat the information contained in the Testimonies and Exhibits as confidential and does not disclose it to the public, its competitors, or those employees within the Company who do not need the information to perform their duties for the Company. See Affidavit of Fallon ¶ 3-4; Affidavit of Teague, ¶ 6. Public disclosure of this confidential information would harm the Company’s competitive interests and in many cases would violate contractual confidentiality clauses. Affidavits of Fallon ¶ 3-4; Affidavit of Teague, ¶ 4-5. Specifically, these documents include close out strategy and disposition information for the EPU project and pricing arrangements and agreements made with third parties that would adversely impact DEF’s interests if disclosed to the public. Affidavit of Teague, ¶ 4-5. Additionally, these documents contain information regarding DEF’s Engineering, Procurement and Construction Agreement for the LNP as well as information relating to LNP long lead time equipment disposition. Affidavit of Fallon at ¶ 3. Release of this information regarding the contractual

agreements for the Nuclear Projects would impair DEF's competitive business interests and in many cases violate contractual confidentiality provisions. See Affidavit of Fallon, ¶ 3; Affidavit of Teague, ¶ 4. The release of this information would adversely impact DEF's competitive business interests if disclosed to the public. See Affidavit of Fallon, ¶ 3-4; Affidavit of Teague, ¶ 4-5.

4. In Order No. PSC-14-0065-CFO-EI the Commission found the portions of the testimonies and exhibits contain proprietary confidential business information exempt from discovery under the public records law pursuant to Section 366.093(1) and (3), Florida Statutes. This information continues to be proprietary confidential business information and should continue to be protected from disclosure as such.

5. DEF has kept confidential and has not publicly disclosed the confidential information at issue here. See Affidavit of Fallon, ¶ 4; Affidavit of Teague, ¶ 6. Absent such measures, DEF would run the risk that sensitive business information regarding what it is willing to pay for certain goods and services, as well as what the Company is willing to accept as payment for certain goods and/or services, would be made available to the public and, as a result, other potential suppliers, vendors, and/or purchasers of such services could change their position in future negotiations with DEF. See id. Without DEF's measures to maintain the confidentiality of this sensitive information, the Company's efforts to obtain competitive contracts and to obtain competitively priced goods and services in the future could be undermined. See Affidavit of Fallon, ¶ 3-4; Affidavit of Teague, ¶ 4, 6.

6. Upon receipt of this confidential information, strict procedures are established and followed to maintain the confidentiality of the information provided, including restricting access to those persons who need the information to assist the Company. See Affidavit of Fallon, at ¶

3-4; Affidavit of Teague, ¶ 6. At no time since receiving the information in question has the Company publicly disclosed that information; the Company has treated and continues to treat the information at issue as confidential. See Affidavit of Fallon at ¶ 4; Affidavit of Teague at ¶ 6. Nothing has changed since Order No. PSC-14-0065-CFO-EI to render this information stale or public, such that continued confidential treatment would no longer be appropriate. See id.

### **CONCLUSION**

The competitive, confidential information at issue in this request for extension has and continues to fit the statutory definition of proprietary confidential business information under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, as the Commission found in Order No. PSC-14-0065-CFO-EI. As discussed herein, the Company continues to treat this information as confidential and has taken all necessary steps to protect it from public disclosure. Therefore, the Commission should extend the confidential treatment of this information.

WHEREFORE, DEF respectfully requests that the portions of the testimonies and hearing exhibits filed as part of the 130009-EI Docket, see Document No. 02827-13, determined by the Commission to be confidential and exempt from public discovery in Order No. PSC-14-0065-CFO-EI, continue to be classified as confidential and exempt from public disclosure for the reasons set forth above.

Respectfully submitted,

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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 mail this 29th day of July, 2015.

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