

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Duke Energy Florida, Inc.
For Approval to Include In Base Rates the Revenue
Requirement for the CR3 Regulatory Asset

Docket No. 150148-EI

In re: Petition of Duke Energy Florida, Inc.
For Issuance of a Nuclear Asset Recovery
Financing Order

Docket No. 150171-EI

Submitted for Filing
August 19, 2015

**DUKE ENERGY FLORIDA, LLC'S SIXTH REQUEST
FOR CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, LLC (“DEF” or the “Company”), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Sixth Request for Confidential Classification concerning portions of DEF’s Second Supplemental Responses to OPC’s Second Set of Interrogatories and OPC’s Second Request for Production of Documents served in this docket on July 29, 2015 concurrently with DEF’s Notice of Intent to request confidential classification. This request is timely. *See* Rule 25-22.006(3)(a)1., F.A.C. In support of this request, DEF states:

1. As further explained below, documents produced as part of DEF’s response to OPC’s Second Set of Interrogatories Question Nos. 25 and 41, and DEF’s Response to OPC’s Second Request for Production of Documents, Question No. 24, contain “proprietary confidential business information” under section 366.093(3), F.S.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing an unredacted copy 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 version, the information asserted to be confidential is highlighted in yellow.

(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.

(d) Exhibit D is two affidavits attesting to the confidential nature of information identified in this request.

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 documents produced in response to the requests described above contain individual employee names coupled with amounts paid to each employee as relocation expenses (along with other related expenses such as DEF’s administrative fees), as well as reimbursements for meals and lodging expenses. DEF maintains the confidentiality of such information to protect DEF’s employees’ individual right to privacy, *see* art. I, sec. 23, Fla. Const., and to protect the Company’s competitive business interests, *see* § 366.093(3)(e), F.S.; Affidavit of Terry Hobbs, ¶ 5. If DEF cannot protect its employees’ right to privacy, it will be at a competitive

disadvantage when seeking to hire and retain qualified employees. *See* § 366.093(3)(e), F.S.; Affidavit of Terry Hobbs, ¶ 5.

4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Terry Hobbs, ¶ 6. The information has not been disclosed to the public, and the Company has treated and continues to treat the contract at issue as confidential. *See id.* 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 Sixth Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 19th day of August, 2015.

/s/ Matthew R. Bernier

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to the following this 19th day of August, 2015.

/s/ Matthew R. Bernier

Attorney

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<p>Florida Industrial Power Users Group c/o Moyle Law Firm, P.A. Jon C. Moyle, Jr. Karen A. Putnal 118 North Gadsden Street Tallahassee, Florida 32301 jmoyle@moylelaw.com kputnal@moylelaw.com</p>	<p>PSC Phosphate – White Springs c/o James W. Brew Owen J. Kopon Stone Mattheis Xenopoulos & Brew, PC 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007-5201 jbrew@smxblaw.com ojk@smxblaw.com</p>

Exhibit A

CONFIDENTIAL
FILED UNDER SEPARATE COVER

Exhibit B

REDACTED

(CD filed under separate cover)

**DUKE ENERGY FLORIDA – EXHIBIT C - Docket 150148-EI
Confidentiality Justification**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF 2nd Supplemental Response to OPC’s 2nd Set of Interrogatories, Question #25, bearing bates number - 150148-OPCROG2-25-000001 through 150148-OPCROG2-25-000015</p>	<p>All employee names appearing on bates pages: 150148-OPCROG2-25-000001 through 150148-OPCROG2-25-000003</p>	<p>Art. 1, sec. 23, Fla. Const. §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>
<p>DEF 2nd Supplemental Response to OPC’s 2nd Set of Interrogatories, Question #41, bearing bates number 150148-OPCROG2-41-000745 through 150148-OPCROG2-41-002004</p>	<p>All employee names appearing on bates pages: 150148-OPCROG2-41-000746, 000747, 000749, 000750, 000751, 000752, 000753, 000754, 000755, 000756, 000758, 000759, 000760, 000761, 000762, 000764, 000765, 000767, 000768, 000769, 000770, 000771, 000772, 000773, 000774, 000775, 000777, 000778, 000788, 000789, 000791, 000792, 000794, 000797, 000800, 000802, 000804, 000805, 000806, 000810, 000811, 000812, 000814, 000815, 000819, 000820, 000823, 000824, 000829, 000830, 000833,</p>	<p>Art. 1, sec. 23, Fla. Const. §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
	000834, 000836, 000837, 000839, 000840, 000847, 000848, 000852, 000859, 000860, 000865, 000867, 000875, 000881, 000884, 000887, 000890, 000891, 000894, 000895, 000896, 000897, 000899, 000900, 000903, 000904, 000907, 000908, 000914, 000915, 000919, 000920, 000922, 000924, 000927, 000934, 000935, 000936, 000939, 000940, 000944, 000945, 000950, 000958, 000964, 000967, 000969, 000971, 000972, 000976, 000977, 000978, 000979, 000981, 000982, 000986, 000987, 000988, 000992, 000993, 000999, 001000, 001001, 001005, 001007, 001009, 001010, 001012, 001013, 001014, 001019, 001020, 001023, 001024, 001027, 001028, 001031, 001032, 001038, 001039, 001040, 001043, 001045, 001047, 001048, 001052, 001053, 001056, 001057, 001058, 001064, 001065, 001069, 001070, 001076, 001077, 001083, 001084, 001090, 001092, 001095, 001098, 001099, 001101, 001105, 001106, 001108, 001109, 001111, 001112, 001116, 001117, 001118, 001120, 001121, 001125, 001126, 001129, 001130, 001134, 001135, 001136, 001138, 001139, 001145, 001146,	

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DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
	001996, 001997, 001998, 001999, 002000, 002001, 002002, 002003, 002004	
DEF 2 nd Supplemental Response to OPC's 2 nd Request for Production, Question #24, bearing bates number 150148-OPCPOD2-24-000001 through 150148-OPCPOD2-24-000087	All employee names appearing on bates pages 150148-OPCPOD2-24-000083 through 150148-OPCPOD2-24-000085 and 150148-OPCPOD2-24-000087	Art. 1, sec. 23, Fla. Const. §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.

Exhibit D

AFFIDAVIT OF TERRY HOBBS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Duke Energy Florida, Inc.
For Approval to Include In Base Rates the Revenue
Requirement for the CR3 Regulatory Asset

Docket No. 150148-EI

In re: Petition of Duke Energy Florida, Inc.
For Issuance of a Nuclear Asset Recovery
Financing Order

Docket No. 150171-EI

Submitted for Filing
August __, 2015

**AFFIDAVIT OF TERRY HOBBS IN SUPPORT OF
DUKE ENERGY FLORIDA'S
SIXTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF CITRUS

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

1. My name is Terry Hobbs. 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 Fifth Request for Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the General Manager of Decommissioning at the Crystal River 3 ("CR3") nuclear unit. In this role, I have oversight responsibility for the Decommissioning

of the CR3 plant, including among other things, continued operations and maintenance of the facility and responsibility for the Decommissioning Transition Organization (“DTO”) which transitioned to the SAFSTOR I organization on July 1, 2015.

3. I am responsible, along with the other members of the section, for the process we used to transition CR3 from an operating nuclear plant to a decommissioning organization.

4. DEF is seeking confidential classification for documents produced in DEF’s Second Supplemental Response to OPC’s Second Request for Production of Documents (specifically question #24) and Second Set of Interrogatories (specifically question numbers 25 and 41) (collectively, the “confidential documents”). The confidential information at issue is contained in confidential Exhibit A to this Request and is outlined in DEF’s Justification Matrix that is attached to DEF’s Fifth Request for Confidential Classification as Exhibit C. DEF is requesting confidential classification of this information because it contains personal employee information and sensitive business information, the disclosure of which would violate individual employees’ rights to privacy and impair the Company’s competitive business interests.

5. The confidential documents at issue contain employee names, coupled with reimbursement information (e.g., relocation costs and meal and lodging reimbursements), that if publicly disclosed would violate the employees’ right to privacy. Moreover, disclosure of this information would impair DEF’s competitive business interests by signaling to its employees (and those whom DEF may seek to employee) that DEF is unable to maintain the privacy of its employees. This could result in DEF being viewed as a less desirable place to work versus competitors for talented employees that can protect employee information, ultimately resulting in DEF either not being able to

attract or retain qualified employees, or being forced to overcompensate such employees to the detriment of DEF and its customers.

6. With respect to the information at issue in this request, DEF has kept confidential and has not publicly disclosed such confidential agreements.

7. Strict procedures are established and followed to maintain the confidentiality of the terms of the agreements 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 documents. The Company has treated and continues to treat the information and documents at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the _____ day of August, 2015.

(Signature)

Terry Hobbs

General Manager of CR3 Decommissioning

Duke Energy Florida, LLC

15760 West Power Line St.

Crystal River, FL

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

(Signature)

(Printed Name)

NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)