



Matthew R. Bernier
Senior Counsel
Duke Energy Florida, LLC

September 28, 2015

VIA ELECTRONIC FILING

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

Re: *Nuclear Cost Recovery Clause; Docket No. 150009-EI*

Dear Ms. Stauffer:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC (“DEF”) DEF’s Request for Confidential Classification for certain confidential information contained in Staff’s Generated Workpapers for Audit 15-01-001, specifically page 141, subparagraph i, filed on September 28, 2015. This filing includes:

- DEF’s Request for Confidential Classification
- Slipsheet for confidential Exhibit A
- Redacted Exhibit B (two copies)
- Exhibit C (justification matrix), and
- Exhibit D (affidavit of Mark R. Teague)

DEF’s confidential Exhibit A that accompanies the above-referenced filing, has been 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,

s/Matthew R. Bernier
Matthew R. Bernier
Senior Counsel
Matthew.Bernier@duke-energy.com

MRB/mw
Enclosures

cc: Certificate of Service

Duke Energy Florida, LLC
Docket No.: 150009
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 28th day of September 2015 to all parties of record as indicated below.

s/Matthew R. Bernier

Attorney

Martha Barrera
Kyesha Mapp
Florida Public Service Commission Staff
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
mbarrera@psc.state.fl.us
kmapp@psc.state.fl.us

Charles Rehwinkel/Erik Saylor/ Patty Christensen
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
rehwinkel.charles@leg.state.fl.us
Saylor.erik@leg.state.fl.us
Christensen.patty@leg.state.fl.us

Victoria Méndez, City Attorney
Matthew Haber, Assistant City Attorney
The City of Miami
444 S.W. 2nd Avenue, Suite 945
Miami, FL 33130-1910
vmendez@miamigov.com
mshaber@miamigov.com
aidagarcia@miamigove.com

James W. Brew/Owen J. Kopon/Laura A. Wynn
Stone Law Firm
1025 Thomas Jefferson St NW
8th FL West Tower
Washington, DC 20007-5201
jbrew@smxblaw.com
ojk@smxblaw.com
laura.wynn@smxblaw.com

Robert Scheffel Wright
John T. LaVia, III
Gardner Law Firm
1300 Thomaswood Drive
Tallahassee, FL 32308
Schef@gbwlegal.com
Jlavia@gbwlegal.com

Kenneth Hoffman
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1858
Ken.Hoffman@fpl.com

Bryan S. Anderson/Jessica Cano
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408-0420
bryan.anderson@fpl.com
Jessica.cano@fpl.com

James Michael Walls
Blaise N. Gamba
Carlton Fields Jordan Burt
Post Office Box 3239
Tampa, FL 33601-3239
mwalls@cfjblaw.com
bgamba@cfjblaw.com

George Cavros
120 E. Oakland Park Blvd, Ste. 105
Fort Lauderdale, FL 33334
Email: george@cavros-law.com

Jon C. Moyle, Jr.
Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

Docket No. 150009-EI

Submitted for Filing: September 28, 2015

**DUKE ENERGY FLORIDA'S SEVENTH REQUEST FOR
CONFIDENTIAL CLASSIFICATION REGARDING
STAFF-GENERATED AUDIT WORKPAPERS**

Duke Energy Florida, LLC (“DEF” or the “Company”), pursuant to Sections 366.093, Florida Statutes (F.S.), and Rule 25-22.006(3), Florida Administrative Code (F.A.C.), requests confidential classification of portions of the Florida Public Service Commission Staff-Generated Auditors’ Workpapers (the “Workpapers”). These documents contain confidential contractual cost information, asset disposition information, and vendor information, the disclosure of which would impair DEF’s competitive business interests. These documents meet the definition of proprietary confidential business information pursuant to section 366.093(3), Florida Statutes. The unredacted documents are being filed under seal with the Commission on a confidential basis to keep the competitive business information in those documents confidential.

BASIS FOR CONFIDENTIAL CLASSIFICATION

Section 366.093(1), F.S., 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), F.S.. 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 customers or the Company’s business operation, and (iv) the information has not been voluntarily disclosed to the public.

§ 366.093(3), F.S. 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), F.S. Additionally, section 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, and section 366.093(3)(b) provides that “[i]nternal auditing controls and reports of internal auditors” is proprietary confidential business information.

DOCUMENTS AT ISSUE

Portions of the aforementioned documents should be afforded confidential classification for the reasons set forth in the Affidavit of Mark R. Teague filed in support of DEF’s Request for Confidential Classification (the “Request”), and for the following reasons. Specifically, a portion of page 141 of Staff’s Workpapers contains confidential information related to ongoing negotiations for the sale of turbine equipment, the release of which would impair DEF’s competitive business interests and ongoing negotiations with vendors. *See* Affidavit of Mark Teague, ¶¶ 3-5.

In order to successfully obtain competitive contracts DEF must be able to assure the other potential parties that sensitive business information and the status of on-going negotiations will remain confidential. DEF has kept confidential and has not publicly disclosed the information at issue here. Absent such measures, DEF would run the risk that sensitive business information such as the information at issue would be made to available to the public and, as a result, other potential suppliers, vendors, and/or purchasers of such services could change their position in negotiations with DEF. Without DEF’s measures to maintain the confidentiality of sensitive

business information, the Company's efforts to obtain competitive contracts, and/or disposition CR3 EPU equipment, would be undermined. Affidavit of Mark Teague, ¶¶ 3-5. Accordingly, this information should be afforded confidential treatment by the Commission. *See* § 366.093(3)(d)(e), F.S

CONCLUSION

Upon receipt of this confidential information, strict procedures are established and followed to maintain the confidentiality of the information provided, including restricting access to only those persons who need the information to assist the Company. *See* Affidavit of Mark Teague, ¶ 6. At no time since receiving the information in question has the Company publicly disclosed that information. *See id.* The Company has treated and continues to treat the information at issue as confidential. *Id.*

The competitive, confidential contractual cost and vendor 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, Florida Administrative Code, and that information should be afforded confidential classification. In support of this motion, DEF has enclosed the following:

(1) 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. **This information should be accorded confidential treatment pending a decision on DEF's Request by the Florida Public Service Commission;**

(2) 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.

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

(4) Exhibit D is an affidavit attesting to the confidential nature of information identified in this request.

WHEREFORE, DEF respectfully requests that the redacted portions of Staff-Generated Auditors' Workpapers be granted confidential classification and treated accordingly.

Respectfully Submitted this 28th day of September, 2015.

s/Matthew R. Bernier
DIANNE M. TRIPLETT
Associate General Counsel
299 First Avenue North
St. Petersburg, FL 33701
T: (727)820-4692
F: (727)820-5041
Email: Dianne.Triplett@duke-energy.com
MATTHEW R. BERNIER
Senior Counsel
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
T: (850)521-1428
F: (727)820-5041
Email: Matthew.Bernier@duke-energy.com

Attorneys for Duke Energy Florida, LLC

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 28th day of September, 2015.

s/Matthew R. Bernier
Attorney

Martha Barrera
Kyesha Mapp
Florida Public Service Commission Staff
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
mbarrera@psc.state.fl.us
kmapp@psc.state.fl.us

Victoria Méndez, City Attorney
Matthew Haber, Assistant City Attorney
The City of Miami
444 S.W. 2nd Avenue, Suite 945
Miami, FL 33130-1910
vmendez@miamigov.com
mshaber@miamigov.com
aidagarcia@miamigove.com

Robert Scheffel Wright
John T. LaVia, III
Gardner Law Firm
1300 Thomaswood Drive
Tallahassee, FL 32308
Schef@gbwlegal.com
Jlavia@gbwlegal.com

Bryan S. Anderson/Jessica Cano
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408-0420
bryan.anderson@fpl.com
Jessica.cano@fpl.com

George Cavros
120 E. Oakland Park Blvd, Ste. 105
Fort Lauderdale, FL 33334
Email: george@cavros-law.com

Charles Rehwinkel/Erik Saylor/ Patty Christensen
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
rehwinkel.charles@leg.state.fl.us
Saylor.erik@leg.state.fl.us
Christensen.patty@leg.state.fl.us

James W. Brew/Owen J. Kopon/Laura A. Wynn
Stone Law Firm
1025 Thomas Jefferson St NW
8th FL West Tower
Washington, DC 20007-5201
jbrew@smxblaw.com
ojk@smxblaw.com
laura.wynn@smxblaw.com

Kenneth Hoffman
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1858
Ken.Hoffman@fpl.com

James Michael Walls
Blaise N. Gamba
Carlton Fields Jordan Burt
Post Office Box 3239
Tampa, FL 33601-3239
mwalls@cfjblaw.com
bgamba@cfjblaw.com

Jon C. Moyle, Jr.
Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com

Exhibit A

“CONFIDENTIAL”
(filed under separate cover)

Exhibit B

REDACTED

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
Staff Generated Workpapers 15-01-001	Page 141: subparagraph i; all of the remaining paragraph after “April”.	§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. §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
MARK R. TEAGUE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery
Clause

Docket No. 150009-EI
Submitted for Filing: September 28, 2015

**AFFIDAVIT OF MARK R. TEAGUE IN SUPPORT OF DUKE ENERGY
FLORIDA, INC.'S SEVENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Marcus (“Mark”) R. Teague, who being first duly sworn, on oath deposes and says that:

1. My name is Mark R. Teague. I am employed by Duke Energy Business Services, LLC and serve as its Managing Director of Major Projects Sourcing in the Supply Chain Department. I am over the age of 18 years old and I have been authorized to give this affidavit in the above-styled proceeding on Duke Energy Florida, LLC’s (“DEF”) behalf and in support of DEF’s Seventh Request for Confidential Classification (the “Request”) portions of the Florida Public Service commission Staff-Generated Workpapers. The facts attested to in my affidavit are based upon my personal knowledge.

2. As Managing Director of Major Projects, my role includes providing management oversight in the disposition of the Crystal River Unit 3 (“CR3”) Extended Power Uprate (“EPU”) assets by ensuring that Supply Chain employees at qt3 follow DEF’s processes and procedures. I also have responsibility for the Supply Chain functions for Duke Energy International and with most Duke Energy Corporation (“Duke Energy”) Major Projects, both regulated and non-regulated.

3. DEF is seeking confidential classification for portions of the Florida Public Service Commission Staff-Generated auditors' workpapers (the "Workpapers"). These documents contain confidential contractual, financial, asset disposition information, and vendor information. This information is competitively sensitive business information, the disclosure of which would impair DEF's competitive business interests. A detailed description of the confidential information at issue is contained in confidential Exhibit A to DEF's Request and is outlined in DEF's Justification Matrix that is attached to the Request as Exhibit C.

4. DEF is requesting confidential classification of this information because certain information contained on the Workpapers contain proprietary and confidential financial information concerning the potential disposition of EPU assets. The confidential information at issue relates to ongoing negotiations for the sale of turbine equipment, the release of which would impair DEF's competitive business interests and ongoing negotiations with vendors. Moreover, if this information was disclosed to DEF's competitors and/or other potential purchasers, DEF's efforts to obtain competitive sales contracts that provide economic value to both the Company and its customers could be compromised by the Company's competitors and/or parties with whom the Company may wish to contract with changing their offers or purchasing behavior within relevant markets

5. DEF must be able to assure existing and future third parties that sensitive business information will be kept confidential. If other third parties were made aware of confidential terms of on-going negotiations that DEF has with other parties, they may offer less competitive contractual terms in future contractual negotiations.

6. Upon receipt of all this confidential information, 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. At no time since negotiating and receiving the contracts has the Company publicly disclosed the information or the terms of the contracts at issue. The Company has treated and continues to treat the information at issue as confidential.

7. This concludes my affidavit.

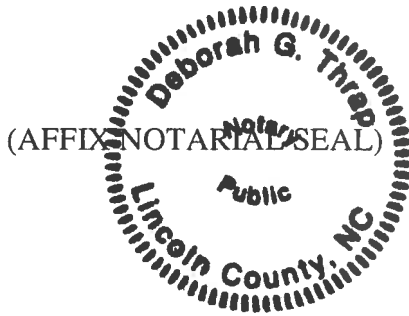
Further affiant sayeth not.

Dated this 25th day of September, 2015.

Mark R. Teague
(Signature)

Mark R. Teague

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



Deborah G. Thrap
(Signature)

Deborah G. Thrap
(Printed Name)

NOTARY PUBLIC, STATE OF _____

4/25/17
(Commission Expiration Date)

19970910128
(Serial Number, If Any)