



Matthew R. Bernier
SENIOR COUNSEL
Duke Energy Florida, LLC

October 2, 2015

VIA ELECTRONIC DELIVERY

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

Re: Docket 150171-EI
Duke Energy Florida, LLC's Tenth Request for Confidential Classification

Dear Ms. Stauffer:

Attached is Duke Energy Florida, LLC's ("DEF") Tenth Request for Confidential Classification of certain information provided in DEF's Supplemental Responses to Staff's Fourth Request to Produce (Nos. 13-16) in the above-referenced matter. This filing includes:

- Exhibit A (confidential slipsheet only)
- Exhibit B (2 sets of redacted information – slipsheets only)
- Exhibit C (justification matrix)
- Exhibit D (Affidavit of Bryan Buckler)

DEF's confidential Exhibit A that accompany the above-referenced filing, has been submitted under separate cover.

Thank you for your assistance in this matter. If you have any questions, please feel free to contact me at (850) 521-1428.

Sincerely,

/s/ Matthew R. Bernier

Matthew R. Bernier

MRB:at
Attachments

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
October 2, 2015

**DUKE ENERGY FLORIDA, LLC'S TENTH 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 Tenth Request for Confidential Classification concerning portions of DEF’s Supplemental Responses to Staff’s Fourth Request for Production of Documents filed in this docket on September 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, portions of DEF’s Supplemental Response to Staff’s Fourth Request for Production of Documents, Question No. 13, contains “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 an affidavit 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 information at issue in question 13 relates to specific engagement agreements with law firms retained by DEF to work on the securitization, the disclosure of which would violate the terms of contractual agreements with third parties and impair the efforts of the Company to contract for goods and services on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Bryan Buckler at ¶ 5. The disclosure of that information to the public would also adversely impact the competitive business interest of parties contracting with DEF. *See* § 366.093(3)(e), F.S.; Affidavit of Bryan Buckler at ¶ 6. Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. The information identified as Exhibit “A” is intended to be and is treated as

confidential by the Company. *See* Affidavit of Bryan Buckler at ¶ 5. The information has not been disclosed to the public, and the Company has treated and continues to treat the information at issue as confidential. *See* Affidavit of Bryan Buckler 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 Tenth Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 2nd day of October, 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 2nd day of October, 2015.

/s/ Matthew R. Bernier

Attorney

Rosanne Gervasi Keino Young Kelley Corbari Leslie Ames Theresa Tan Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 kyoung@psc.state.fl.us kcorbari@psc.state.fl.us lames@psc.state.fl.us ltan@psc.state.fl.us rgervasi@psc.state.fl.us	Charles Rehwinkel J. R. Kelly Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399-1400 kelly.jr@leg.state.fl.us rehwinkel.charles@leg.state.fl.us woods.monica@leg.state.fl.us
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	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
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Exhibit A

CONFIDENTIAL
FILED UNDER SEPARATE COVER

Exhibit B

REDACTED

REDACTED SLIPSHEET:
SHUTTS & BOWEN ENGAGEMENT AGREEMENT
(entirely redacted)

BATES NUMBERS 150148-STAFFPOD4-13-000044
THROUGH 150148-STAFFPOD4-13-000061

REDACTED SLIPSHEET:
HUNTON & WILLIAMS ENGAGEMENT AGREEMENT
(entirely redacted)

BATES NUMBERS 150148-STAFFPOD4-13-000062
THROUGH 150148-STAFFPOD4-13-000082

Exhibit B
REDACTED
(2nd copy)

**REDACTED SLIPSHEET:
SHUTTS & BOWEN ENGAGEMENT AGREEMENT
(entirely redacted)**

BATES NUMBERS 150148-STAFFPOD4-13-000044
THROUGH 150148-STAFFPOD4-13-000061

REDACTED SLIPSHEET:
HUNTON & WILLIAMS ENGAGEMENT AGREEMENT
(entirely redacted)

BATES NUMBERS 150148-STAFFPOD4-13-000062
THROUGH 150148-STAFFPOD4-13-000082

**DUKE ENERGY FLORIDA – EXHIBIT C - Docket 150171-EI
Confidentiality Justification**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF Supplemental Response to Staff's 4th Request to Produce Question #13</p>	<p>Bates number 150148-STAFFPOD4-13-000044 through STAFFPOD4-13-000061, entire engagement agreement with Shutts & Bowen, LLP.</p>	<p>§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.</p> <p>§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 Supplemental Response to Staff's 4th Request to Produce Question #13</p>	<p>Bates number 150148-STAFFPOD4-13-000062 through STAFFPOD4-13-000082, entire engagement agreement with Hunton & Williams, LLP.</p>	<p>§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.</p> <p>§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>

Exhibit D

AFFIDAVIT OF BRYAN BUCKLER

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
October __, 2015

**AFFIDAVIT OF BRYAN BUCKLER IN SUPPORT OF
DUKE ENERGY FLORIDA'S
TENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Bryan Buckler. 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 Tenth Request for Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Director of Regulated Accounting for Duke Energy Business Services, LLC, a service company affiliate of DEF.

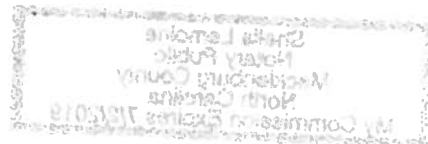
3. Effective August 15, 2015, I became the Director of Regulated Accounting for Duke Energy Corporation (“Duke Energy”). In this role I am responsible for accounting and financial reporting for all of Duke Energy’s regulated subsidiaries, including Duke Energy Florida. However, I will still serve as DEF’s Treasury witness in this proceeding, and will continue to report to Stephen De May, Senior Vice President and Treasurer of Duke Energy and DEF, for purposes of the nuclear asset-recovery bond transaction.

4. DEF is seeking confidential classification for DEF’s documents produced in DEF’s Supplemental Response to Staff’s Fourth Request for Production of Documents (specifically question #13). 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 Tenth Request for Confidential Classification as Exhibit C. DEF is requesting 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 and services on favorable terms.

5. Attachments to DEF’s Supplemental Response to Staff’s 4th Request for Production of Documents, Question #13 (specifically Bates numbers 150148-STAFFPOD-13-000044 through 150148-STAFFPOD4-13-000082), contains sensitive business information including engagement agreements with two law firms retained by DEF to work on the securitization project. These engagement letters contain competitive contractual information regarding contractual agreements between DEF and third parties that would adversely impact DEF’s competitive business interests if disclosed to the public. In order to obtain competitive legal assistance, however, DEF must be able to

assure these competing firms that sensitive business information, such as the terms of the agreement and attorney billing rates, will be kept confidential. With respect to the information at issue in this request, DEF has kept confidential and has not publicly disclosed confidential engagement agreements and similar competitive information. Absent such measures, law firms who otherwise would contract with DEF might decide not to do so if DEF did not keep the terms of their engagement letters confidential. If other third parties are made aware of confidential contractual terms that DEF has with other parties, they may offer DEF less competitive contractual terms in the future. Without DEF's measures to maintain the confidentiality of sensitive terms in these legal agreements between DEF and third parties, the Company's efforts to obtain competitive prices for its legal needs could be compromised by competitors changing their position or behavior in future contractual negotiations.

6. Additionally, the above referenced documents contain sensitive business information which could adversely impact competitive business interests of the law firms providing legal advice to DEF for the proposed securitization. DEF has a contractual obligation with these third parties to not disclose the proprietary business information contained in their agreements. Absent such confidentiality measures, third party law firms would run the risk that sensitive business information that they provided in their agreements with DEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, law firm efforts to competitively negotiate engagement agreements with companies such as DEF could be undermined.



7. Upon receipt of confidential information from law firms working with DEF, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality 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 and documents. At no time since receiving the engagement agreements in question has the Company publicly disclosed this information. The Company has treated and continues to treat the engagement agreements at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 1st day of October, 2015.



(Signature)

Bryan Buckler
Director of Regulated Accounting
Duke Energy Business Services, LLC
550 South Tryon Street
Charlotte, NC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 1 day of October, 2015 by BRYAN BUCKLER. He is personally known to me, or has produced his North Carolina driver's license, or his _____ as identification.



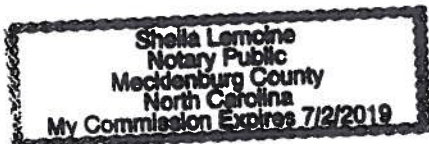
(Signature)



(Printed Name)

NOTARY PUBLIC, STATE OF NC

(AFFIX NOTARIAL SEAL)



(Commission Expiration Date)

(Serial Number, If Any)