

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval to include in base rates the revenue requirement for the CR3 regulatory asset, by Duke Energy Florida, Inc.

DOCKET NO. 150148-EI

In re: Petition for issuance of nuclear asset-recovery financing order, by Duke Energy Florida, Inc. d/b/a Duke Energy.

DOCKET NO. 150171-EI
ORDER NO. PSC-15-0490-CFO-EI
ISSUED: October 20, 2015

ORDER GRANTING DUKE ENERGY FLORIDA, INC.'S
SEVENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 05290-15, X-REF. DN 04956-15)

On August 25, 2015, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Duke Energy Florida, Inc. (DEF) filed their Seventh Request for Confidential Classification (Request) of portions of Florida Public Service Commission Staff-Generated Auditor's Workpapers (Workpapers). DEF asserts that portions of the information contained in the workpapers, described with specific justification in Exhibit C of its Request, constitutes proprietary and confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. DEF further asserts that the information is intended to be and is treated as private by DEF, and has not been publically disclosed. DEF, therefore, requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 366.093(4), F.S.

Requests 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 Section 119.07(1) [the Public Records Act]." Pursuant to Section 366.093(3), F.S., proprietary confidential business information includes information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Pursuant to Section 366.093(3), confidential business information includes, but is not limited to, the following:

- (d) 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.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

DEF contends that portions of the workpapers, Document No. 05290-15 (x-ref DN 04956-15), described with specific justification in Exhibit C of its Request, constitutes “proprietary confidential business information” under Section 366.93(3), F.S. Specifically, DEF contends the information at issue contains individual employee and contractor names coupled with amounts paid to each employee and contractor in wages and expenses, as well as other related expenses such as material, equipment, and subcontractor fees, and also reimbursement for meals, travel, and lodging expenses. DEF asserts this information is kept confidential to protect its employees’ right to privacy and to protect the Company’s competitive business interests. Additionally, DEF contends the workpapers contains information related to parties purchasing the CR3 nuclear unit assets. Specifically, DEF asserts this information includes sensitive business information, including pricing agreements, purchasers names, DEF employee names, and banking information, the disclosure of which would harm DEF’s competitive business interests. Therefore, DEF asserts that the information is entitled to confidential classification pursuant to Section 366.093(3)(e) and (f), F.S.

In addition, DEF asserts the workpapers contain confidential contractual and financial information relating to CR3 security contracts, the disclosure of which would impair DEF’s competitive business interests and ongoing negotiations with vendors. Furthermore, DEF contends the workpapers relate to confidential competitively negotiated contractual data, such as pricing, contractual terms, and quantities of nuclear fuel, the disclosure of which would impair its efforts to negotiate the disposition of nuclear fuel assets. Therefore, DEF argues this information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), F.S.

Ruling

Upon review, it appears that Commission staff auditor workpapers, Document No. 05290-15 (x-ref DN 04956-15), as described in Exhibit C of DEF’s Request, satisfy the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described in Exhibit C of DEF’s Request appears to contain information concerning contractual data, the disclosure of which would impair the efforts of the Company to contract for goods or services on favorable terms, competitive interests, the disclosure of which would impair the competitive business of the provider of the information, and/or employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Therefore, the information identified in Document No. 05290-15 (x-ref DN 04956-15), as specifically described in Exhibit C of DEF’s Request, shall be granted confidential classification pursuant to Section 366.093(3), F.S.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of up to 18 months from the

date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless DEF or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Duke Energy Florida, Inc.'s Seventh Request for Confidential Classification of Document Nos. 05290-15 and 04956-15, as detailed in Exhibit C of its Request, is granted. It is further

ORDERED that the information in Document Nos. 05290-15 and 04956-15, for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Duke Energy Florida, Inc. or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 20th day of October, 2015.



RONALD A. BRISÉ
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.