



**Matthew R. Bernier**  
Senior Counsel  
Duke Energy Florida, LLC

December 18, 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 First Request for Extension of Confidential Classification concerning information contained in DEF's Response to Citizen's First Request for Production of Documents (Nos. 1-40), specifically questions 3, 7, 9, 10, 11, 12, 13, 15, 17, 18, 20, 22, 23, 24, 26, 27, 34, and 40 (document number 03192-14) filed in docket no. 140009-EI, and Revised Exhibit D, Affidavits of Christopher Fallon and Mark Teague in Support of DEF's First Request for Extension of Confidential Classification. The original Request included Exhibits A, B, and C.

There are no changes to the original Request's Exhibit A consisting of the confidential unredacted documents, Exhibit B containing two (2) redacted copies of the confidential document, or Exhibit C containing a justification table in support of DEF's original Request. The aforementioned exhibits remain on file with the Clerk.

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

MRB/mw  
Enclosures  
cc: Certificate of Service

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery  
Clause

Docket No. 150009-EI

Dated: December 18, 2015

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**DUKE ENERGY FLORIDA LLC'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, LLC (“DEF” or “Company”), pursuant to Section 366.093, Florida Statutes (“F.S.”), and Rule 25-22.006, Florida Administrative Code (“F.A.C.”), submits its First Request for Extension of Confidential Classification (“Request”) for certain information contained in its response to Citizen’s First Request for Production of Documents to Duke Energy Florida (Nos. 1-40), specifically Nos. 3, 7, 9, 10, 11, 12, 13, 15, 17, 18, 20, 22, 23, 24, 26, 27, 34, and 40 submitted in Docket No. 140009 on June 23, 2014. In support of the Request, DEF states as follows:

1. On June 23, 2014, DEF filed a request for confidential classification of certain confidential proprietary business information contained in its response to Citizen’s First Request for Production of Documents to Duke Energy Florida (Nos. 1-40), specifically Nos. 3, 7, 9, 10, 11, 12, 13, 15, 17, 18, 20, 22, 23, 24, 26, 27, 34, and 40 (document no. 03192-14). DEF incorporates Exhibits A, B, and C to the June 23, 2014 request as if attached hereto.

2. DEF’s June 23, 2014 Request was granted by Order No. PSC-14-00345-CFO-EI on July 7, 2014. The period of confidential treatment granted by that order will expire on January 7, 2016. The information continues to warrant treatment as “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Accordingly, DEF is filing its First Request for Extension of Confidential Classification.

3. DEF submits that the information contained in the response to Citizen's First Request for Production of Documents to Duke Energy Florida (Nos. 1-40), specifically Nos. 3, 7, 9, 10, 11, 12, 13, 15, 17, 18, 20, 22, 23, 24, 26, 27, 34, and 40 continue to be "proprietary confidential business information" within the meaning of section 366.093(3), F.S. and continue to require confidential classification. *See* Affidavits of Christopher M. Fallon and Mark R. Teague at ¶¶ 4-5, attached as Revised Exhibit "D". This information is intended to be and is treated as confidential by the Company. The information or documents have not been disclosed to the public. Pursuant to section 366.093(1), F.S., such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the Public Records Act. *See* Affidavits of Christopher M. Fallon and Mark R. Teague ¶ 6.

4. Nothing has changed since the issuance of Order No. PSC-14-0345-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Upon a finding by the Commission that this information continues to be "proprietary confidential business information," it should continue to be treated as such for an additional period of at least 18 months, and should be returned to DEF as soon as the information is no longer necessary for the Commission to conduct its business. *See* §366.093(4), F.S.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this First Request for Extension of Confidential Classification be granted.

Respectfully submitted this 18<sup>th</sup> day of December, 2015.

*s/Matthew R. Bernier*

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Attorneys for Duke Energy Florida, LLC

# **Exhibit A**

**“CONFIDENTIAL”**

**(On file)**

# **Exhibit B**

**(On file)**

**DUKE ENERGY FLORIDA  
Confidentiality Justification Matrix**

**(On file)**

**Revised Exhibit D  
Affidavit of  
Christopher M. Fallon**



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery  
Clause

Docket No. 150009-EI

Dated: December 18, 2015

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**AFFIDAVIT OF CHRISTOPHER M. FALLON IN SUPPORT OF DUKE ENERGY  
FLORIDA'S REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Christopher M. Fallon. I am employed by Duke Energy Corporation ("Duke Energy") in the capacity of Vice President of Nuclear Development. 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's ("DEF" or the "Company") behalf and in support of DEF's Request for Extension of Confidential Classification (the "Request") of certain information contained in its response to Citizen's First Request for the Production of Documents to Duke Energy Florida (Nos. 1-44), specifically questions 13, 15, 17, 18, 20, 22, 23, 24, 26, 27, 34, and 40 submitted in Docket No. 140009 on June 23, 2014 (document no.03192-14). The facts attested to in my affidavit are based upon my personal knowledge.

2. As Vice President of Nuclear Development, I am responsible for the licensing and engineering design for the Levy Nuclear Power Plant Project ("LNP" or "Levy"), including the direct management of the Engineering, Procurement, and Construction ("EPC") Agreement with Westinghouse Electric Company, LLC ("WEC") and Stone & Webster, Inc. ("S&W") (collectively, the "Consortium").

3. DEF is seeking an extension of confidential classification for certain information contained in the response to Citizen's First Request for the Production of Documents to Duke Energy Florida (Nos. 1-33), specifically questions 13, 15, 17, 18, 20, 22, 23, 24, 26, 27, 34, and 40 submitted in Docket No. 140009. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix C. The referenced Exhibits are on file with the Clerk. DEF is requesting an extension of 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 or services on favorable terms.

4. DEF's Response to Citizen's First Request for the Production of Documents to Duke Energy Florida (Nos. 1-33), specifically questions 13, 15, 17, 18, 20, 22, 23, 24, 26, 27, 34, and 40 contain sensitive proprietary and confidential cost information related to obtaining the Levy Nuclear Project ("LNP") Combined Operating License ("COL") and review and disposition of long lead time equipment ("LLE"). Portions of the documents also relate to ongoing disputes with Westinghouse Electric Company, LLC. DEF considers this information to be confidential, competitive business and contractual information, and continues to take steps to protect against public disclosure. DEF negotiates with vendors to obtain competitive contracts that provide economic value to DEF and its customers. In order to negotiate and obtain such contracts at competitive prices, however, DEF must be able to assure its vendors that sensitive business information such as capital costs numbers, settlement information, and other financial terms will be kept confidential. The contracts at issue in this Request contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties; DEF has kept confidential and has not publicly disclosed the confidential information pertaining to the LNP COL or the confidential information pertaining to the disposition of the LLE. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and

vendors, the Company's efforts to obtain competitive terms for the LNP COL or disposition of the LLE would be undermined.

5. Additionally, some of the documents reflect the Company's internal strategies for evaluating LLE disposition options. If such information was disclosed to DEF's competitors and/or other potential suppliers and vendors, DEF's efforts to obtain favorable contractual terms, competitive nuclear equipment and service options that provide economic value to both the Company and its customers could be compromised by the Company's competitors and/or suppliers changing their offers or negotiating strategies. If other third parties were made aware of confidential contractual terms that DEF has with other parties, they may offer less competitive contractual terms in future contractual negotiations.

6. Upon receipt of all 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 14<sup>th</sup> day of December, 2015.

*Christopher M. Fallon*  
(Signature)  
Christopher M. Fallon

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 14 day of December, 2015 by Christopher M. Fallon. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

*Teresa D. Neely*  
(Signature)

TERESA D. NEELY  
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF NC

9/2/2020  
(Commission Expiration Date)

\_\_\_\_\_  
(Serial Number, If Any)



**Revised Exhibit D  
Affidavit of  
Mark R. Teague**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery  
Clause

Docket No. 150009-EI

Dated: December 18, 2015

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

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared 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 ("DEBS") 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 by Duke Energy Florida ("DEF" or the "Company") to give this affidavit in the above-styled proceeding on DEF's behalf and in support of DEF's First Request for Extension of Confidential Classification (the "Request") of certain documents and information contained in its response to Citizen's First Request for the Production of Documents to Duke Energy Florida (Nos. 1-40), specifically questions 3, 7, 9, 10, 11, 12, and 40 submitted in Docket No. 140009 on June 23, 2014 (document no.03192-14). 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 CR3 follow DEF's processes and procedures. I also have responsibility for the Supply Chain functions for Duke Energy International and with

most Duke Energy Major Projects.

3. DEF is seeking an extension of confidential classification for certain documents and information contained in response to Citizen's First Request for the Production of Documents to Duke Energy Florida (Nos. 1-40), specifically questions 3, 7, 9, 10, 11, 12, and 40 submitted in Docket No. 140009. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix C. The referenced Exhibits are on file with the Clerk. DEF is seeking an extension of confidential classification of this information because it contains sensitive business information, the disclosure of which would impair the Company's competitive business interests.

4. DEF negotiates with vendors to obtain competitive contractual arrangements regarding the disposition of the EPU project assets, the disclosure of which would impair DEF's competitive business interests. DEF is requesting an extension of confidential classification of the documents and information because the referenced responses contain or reflect contractual arrangements, including terms, prices, and conditions between DEF and providers of various equipment and services required for the close-out of the EPU project. DEF has kept this information confidential and has not publicly disclosed the confidential information regarding the close-out of the EPU project. The Company must be able to assure its vendors that sensitive business information such contractual terms and close-out agreements will be kept confidential. The contracts at issue in this Request contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and nuclear contractors, the Company's efforts to obtain competitive contracts for future projects would be undermined.

5. Additionally, the documents also contain information collected from the Company's internal audit procedures and reports, the release of which would harm DEF's ability

to effectively conduct internal audits. The disclosure of the confidential information would compromise DEF' ability to successfully audit the Company's projects. DEF continues to take steps to protect confidential information and documents from public disclosure by limiting the personnel who have access to this information. If such information was disclosed to DEF's competitors and/or potential suppliers, DEF's efforts to negotiate and obtain competitive nuclear equipment and service options that provide economic value to both DEF and its customers could be compromised by the Company's competitor and/or suppliers changing their offers, consumption, or purchasing behavior within the relevant markets. If other third parties were made aware of confidential contractual terms 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, 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 18<sup>th</sup> day of December, 2015.

Mark R. Teague  
(Signature)  
Mark R. Teague

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

**SHANNON L. WALL**  
Notary Public, North Carolina  
Mecklenburg County  
My Commission Expires  
**June 17, 2017**

(AFFIX NOTARIAL SEAL)

Shannon L. Wall  
(Signature)

Shannon L. Wall  
(Printed Name)

NOTARY PUBLIC, STATE OF North Carolina  
6-17-17

(Commission Expiration Date)

(Serial Number, If Any)

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 18<sup>th</sup> day of December, 2015.

s/Matthew R. Bernier

Attorney

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