



Dianne M. Triplett
ASSOCIATE GENERAL COUNSEL
Duke Energy Florida, LLC

February 12, 2016

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 Fourteenth Request for Confidential Classification

Dear Ms. Stauffer:

Attached is Duke Energy Florida, LLC's ("DEF") Fourteenth Request for Confidential Classification of certain information provided by DEF to the Bond Team in the above-referenced matter. This filing includes:

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

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. If you have any questions, please feel free to contact me at (727) 820-4692.

Sincerely,

/s/ Dianne M. Triplett

Dianne M. Triplett

DMT:at
Attachments

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

DATED: February 12, 2016

**DUKE ENERGY FLORIDA, LLC'S FOURTEENTH 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 Fourteenth Request for Confidential Classification concerning portions of DEF’s documents provided to the Bond Team. Those confidential documents were filed in this docket on January 22, 2016 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 documents provided to the Bond Team, 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 encompasses 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 relates to confidential communications between DEF and Morgan Stanley. DEF has been engaging in discussions with Morgan Stanley as to whether Morgan Stanley is willing to participate as a co-lead underwriter in the securitization bond transaction. Morgan Stanley has requested, and DEF has agreed, that DEF maintain this information as confidential. The release of these confidential communications would violate DEF’s agreement with Morgan Stanley and adversely impact DEF’s competitive business interests. *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 ¶¶ 5-7. The information has not been disclosed to the public, and the Company has treated and continues to treat the documents 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 Fourteenth Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 12th day of February, 2016.

MATTHEW R. BERNIER
Senior Counsel
Duke Energy Florida, LLC
106 East College Avenue
Suite 800
Tallahassee, FL 32301
Telephone: (850) 521-1428

/s/ Dianne M. Triplett

DIANNE M. TRIPLETT
Associate General Counsel
Duke Energy Florida, LLC
299 First Avenue North
St. Petersburg, FL 33701
Telephone: (727) 820-4692

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 12th day of February, 2016.

/s/ Dianne M. Triplett

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
Joseph Fichera Saber Partners, LLC 44 Wall Street New York, NY 10005 jfichera@saberpartners.com	Dean E. Criddle Orrick, Herrington & Sutcliffe 405 Howard Street, #11 San Francisco, CA 94105 dcriddle@orrick.com
Robert Scheffel Wright John T. LaVia, III Gardner, Bist, Bush, Dee, LaVia & Wright, P.A. 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com	

Exhibit A

CONFIDENTIAL
FILED UNDER SEPARATE COVER

Exhibit B

REDACTED

Morgan Stanley Underwriting Considerations

Summary Points

[Redacted]

[Redacted]

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Morgan Stanley Underwriting Considerations (cont'd)

Summary Points

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Morgan Stanley Underwriting Considerations (cont'd)

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Morgan Stanley Underwriting Considerations (cont'd)

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Exhibit B

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Morgan Stanley Underwriting Considerations

Summary Points

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Morgan Stanley Underwriting Considerations (cont'd)

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Morgan Stanley Underwriting Considerations (cont'd)

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Morgan Stanley Underwriting Considerations (cont'd)

Summary Points

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

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF documents provided to the Bond Team</p>	<p>Attachment bearing Bates numbers CR3BondTeam00124 through CR3BondTeam00127 is entirely confidential.</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 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

DATED: February 12, 2016

**AFFIDAVIT OF BRYAN BUCKLER IN SUPPORT OF
DUKE ENERGY FLORIDA'S
FOURTEENTH 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 Fourteenth 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 portions of DEF’s documents provided to the Bond Team. 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 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. The document provided to the Bond Team (specifically Bates numbers CR3BondTeam000124 through CR3BondTeam000127), contains sensitive business information including co-lead underwriting considerations communicated to DEF by Morgan Stanley. DEF has been engaging in discussions with Morgan Stanley as to whether Morgan Stanley is willing to participate as a co-lead underwriter in the securitization bond transaction. The confidential Bond Team document contains a summary of Morgan Stanley’s concerns and considerations as a co-lead underwriter that would adversely impact DEF’s competitive business interests if disclosed to the public. In order to obtain specialized co-lead underwriter assistance, DEF must be able to assure financial institutions that sensitive business information, such as underwriting process

and responsibilities will be kept confidential. With respect to the information at issue in this request, DEF has kept confidential and has not publicly disclosed confidential considerations such as underwriting process and responsibilities or similar competitive information. Absent such measures, financial marketing firms who otherwise would contract with DEF might decide not to do so if DEF did not keep the information confidential. If other third parties are made aware of confidential underwriting considerations that were communicated to DEF, they may offer DEF less competitive underwriting services in the future. Without DEF's measures to maintain the confidentiality of sensitive considerations in these communications between DEF and third parties, the Company's efforts to obtain competitive contracts for its financial needs could be compromised by competitors changing their position or behavior in future contractual negotiations.

6. Additionally, the above-referenced Bates numbered attachments contain sensitive business information which could adversely impact the competitive business interests of the financial marketing firms providing underwriting services to DEF for the securitization project. Morgan Stanley has requested, and DEF has agreed, that DEF maintain this information as confidential. If Morgan Stanley and other similarly situated potential business partners could not be assured that DEF abided by its agreements to maintain information as confidential, Morgan Stanley and other potential third parties may be unwilling to participate in this transaction. Absent such confidentiality measures, third party financial marketing firms would run the risk that sensitive business information that they provided in their communications with DEF would be made available to the public and, as a result, end up in possession of potential

competitors. Faced with that risk, the efforts to competitively negotiate financial service agreements with companies such as DEF could be undermined.

7. Upon receipt of confidential information from financial underwriting 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 emails in question has the Company publicly disclosed this information. The Company has treated and continues to treat the documents at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 11th day of February, 2016.

Bryan Buckler

(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 11 day of February, 2016 by BRYAN BUCKLER. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.



Heather Paige Blum

(Signature)

Heather Paige Blum

(Printed Name)

NOTARY PUBLIC, STATE OF NC

1-9-2018

(Commission Expiration Date)

2/18 2/16

1996260074

(Serial Number, If Any)