



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

March 10, 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 Eighteenth Request for Confidential Classification

Dear Ms. Stauffer:

Attached is Duke Energy Florida, LLC's ("DEF") Eighteenth 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 slipsheet only)
- 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: March 10, 2016

**DUKE ENERGY FLORIDA, LLC'S EIGHTEENTH 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 Eighteenth Request for Confidential Classification concerning portions of DEF’s documents provided to the Bond Team. Those confidential documents were filed in this docket on February 19, 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 a confidential agreement between DEF and Moody’s Investors Service (“Moody’s”). DEF has an agreement with Moody’s to assign credit ratings to the securities issued in this matter. Moody’s has requested, and DEF is obligated from a contractual standpoint, to maintain this information as confidential. The release of this confidential contract would violate DEF’s agreement with Moody’s 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 Eighteenth Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of March, 2016.

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

*/s/ Dianne M. Triplett*

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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 10<sup>th</sup> day of March, 2016.

*/s/ Dianne M. Triplett*

\_\_\_\_\_  
Attorney

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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 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a> <a href="mailto:kputnal@moylelaw.com">kputnal@moylelaw.com</a>	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 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:ojk@smxblaw.com">ojk@smxblaw.com</a>
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# **Exhibit A**

**CONFIDENTIAL**  
**FILED UNDER SEPARATE COVER**

# **Exhibit B**

**REDACTED**

**SLIP SHEET FOR REDACTED PAGES**

**Bates Numbers: CR3BondTeam00143 through  
CR3BondTeam00153**



# **Exhibit B**

**REDACTED**

(2<sup>nd</sup> copy)

**SLIP SHEET FOR REDACTED PAGES**

**Bates Numbers: CR3BondTeam00143 through  
CR3BondTeam00153**

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

<b>DOCUMENT/RESPONSES</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
<p>DEF documents provided to the Bond Team</p>	<p>Attachment bearing Bates number CR3BondTeam00143 through CR3BondTeam00153, 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: March 11, 2016

**AFFIDAVIT OF BRYAN BUCKLER IN SUPPORT OF  
DUKE ENERGY FLORIDA'S  
EIGHTEENTH 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 Eighteenth 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 Eighteenth 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 CR3BondTeam000143 through CR3BondTeam000153), contains sensitive business information. Specifically, this document is a confidential agreement between DEF and Moody’s Investors Service (“Moody’s”). DEF has a contractual agreement with Moody’s to assign credit ratings to certain securities, credit facilities, and note programs. The agreement contains confidential contractual information that would adversely impact DEF’s competitive business interests if disclosed to the public. In order to obtain specialized credit rating assistance, DEF must be able to assure financial institutions that sensitive business information, such as contractual provisions and fee schedules will be kept confidential. With respect to the information at issue in this request, DEF has kept

confidential and has not publicly disclosed the confidential contractual agreement. Absent such measures, financial institutions who otherwise would contract with DEF might decide not to do so if DEF did not keep the contractual agreement confidential. If other third parties are made aware of the confidential agreement that DEF has with other parties, they may offer DEF less competitive contractual agreements in the future. Without DEF's measures to maintain the confidentiality of sensitive contractual terms between DEF and third parties, the Company's efforts to obtain competitive prices 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 attachment contains sensitive business information which could adversely impact competitive business interests of the financial institution providing financial services to DEF for the securitization project. Moody's has requested, and DEF is obligated from a contractual standpoint to maintain this information as confidential. If Moody's and other similarly situated potential business partners could not be assured that DEF abided by its agreements to maintain information as confidential, Moody's and other potential third parties may be unwilling to participate in this transaction. Absent such confidentiality measures, third party financial investor 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, the efforts to competitively negotiate contractual agreements with companies such as DEF could be undermined.

7. Upon receipt of confidential information from financial companies 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.

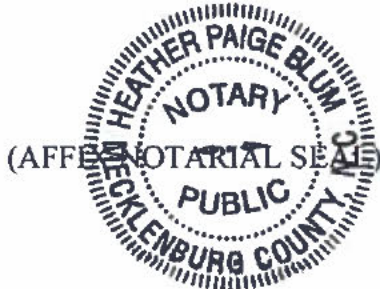
Dated the 4 day of March, 2016.



(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 4 day of March, 2016 by BRYAN BUCKLER. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.



(Signature)

Heather Paige Blum

(Printed Name)

NOTARY PUBLIC, STATE OF NC

1-9-2018

(Commission Expiration Date)

19962600074

(Serial Number, If Any)