



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

April 18, 2016

**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. 160009-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 Staff's Auditors' workpapers for *Audit Control No. 12-010-2-2* (document number 03659-12) filed in docket no. 120009-EI, and Revised Exhibit D, Affidavit of 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

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In Re: Nuclear Cost Recovery Clause

Docket No. 160009-EI

Filed: April 18, 2016

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**DUKE ENERGY FLORIDA'S  
FIRST REQUEST FOR EXTENSION OF 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.”), hereby submits this First Request for Extension of Confidential Classification (“Request”) concerning portions of the Florida Public Service Commission Staff’s (“Staff”) Auditors’ workpapers for *Audit Control No. 12-010-2-2* (the “Work Papers”) for the Crystal River Unit 3 Uprate Project, submitted in Docket No. 120009-EI on June 5, 2012. In support of this Request, DEF<sup>1</sup> states as follows:

1. On June 5, 2012, DEF filed its Third Request for Confidential Classification concerning certain information contained in portions Staff’s Auditors’ Workpapers, *Audit Control No. 12-010-2-2* (document number 03659-12).<sup>2</sup>

2. DEF’s Third Request was granted by Order No. PSC-14-0630-CFO-EI, dated October 31, 2014. The period of confidential treatment granted by that order will expire on April 30, 2016. Portions of the information granted confidential treatment by Order No. PSC-14-0630-CFO-EI continues to warrant treatment as “proprietary confidential business information” within

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<sup>1</sup> The confidential information at issue was provided to the Commission by DEF’s predecessor, Progress Energy Florida, Inc. (“PEF”).

<sup>2</sup> DEF hereby incorporates Exhibits A, B, and C to the June 15, 2012 Request as if fully set forth herein.

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 portions of the documents and information provided in Staff's Auditors' Workpapers, *Audit Control No. 12-010-2-2* contained in DEF's confidential Exhibit A to the June 5, 2012 Request, continue to be "proprietary confidential business information" within the meaning of section 366.093(3), F.S. and continue to require confidential classification. *See* Affidavit of Mark Teague at ¶¶ 3-4, attached as Revised Exhibit "D". This information is intended to be and is treated as confidential by the Company. The information has 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* Affidavit of Mark Teague ¶ 5.

4. Nothing has changed since the issuance of Order No. PSC-14-0630-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 April, 2016,

*s/Matthew R. Bernier*

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Attorneys for Duke Energy Florida, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via electronic mail to the following this 18<sup>th</sup> day of April, 2016.

/s/ Matthew R. Bernier  
Attorney

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# **EXHIBIT A**

**“CONFIDENTIAL”**

**(on file)**

# **EXHIBIT B**

**(on file)**

**EXHIBIT C**

**DUKE ENERGY FLORIDA  
Confidentiality Justification Matrix  
Audit Control No. 12-010-2-2**

**(on file)**



**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. 160009-EI

Dated: April 18, 2016

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**AFFIDAVIT OF MARK R. TEAGUE IN SUPPORT OF DUKE ENERGY  
FLORIDA'S FIRST 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 in the capacity of 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 to give this affidavit in the above-styled proceeding on behalf of Duke Energy Florida ("DEF" or the "Company"), and in support of DEF's First Request for Extension of Confidential Classification (the "Request") regarding certain information contained in the Florida Public Service Commission Staff's ("Staff") Auditors' workpapers for *Audit Control No. 12-010-2-2* (the "Work Papers") for the Crystal River Unit 3 Uprate Project, submitted in Docket No. 120009-EI on June 5, 2012 (document no. 03659-12). 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 am also responsible for the Supply Chain Functions for Duke Energy International and with most Duke Energy Major Projects, both regulated and non-regulated.

3. DEF is seeking an extension of confidential classification for certain information contained in Staff's workpapers for *Audit Control No. 12-010-2-2* in Docket No. 120009-EI. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix, Exhibit C. The referenced Exhibits are on file with the Clerk. DEF is requesting an extension of confidential classification of this information because it contains confidential and proprietary contractual information, the disclosure of which would impair the Company's business interests and efforts to contract for goods or services on favorable terms.

4. DEF negotiates with vendors to obtain competitive contracts for the asset disposition of the EPU Project that provide economic value to DEF and its customers. The disclosure of the confidential contractual information and numbers would impair DEF's competitive business interests and violate DEF's confidentiality agreements with third parties and vendors and potential buyers of EPU assets. 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 asset disposition of the EPU Project. 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 EPU Project would be undermined.

5. Additionally, portions of the workpapers reflect DEF's internal strategies for evaluating projects and meeting deadlines. If such information was disclosed to third parties, DEF's efforts to negotiate and obtain favorable contractual terms that provide economic value to both DEF and its customers may be compromised. The disclosure of confidential information between DEF and its vendors could adversely impact DEF's competitive business interests. 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 this confidential information, and with its own 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 15<sup>th</sup> day of April, 2016.

Mark R. Teague  
(Signature)  
Mark R. Teague

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 15 day of April, 2016 by Mark R. Teague. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

Deborah G. Threp  
(Signature)

Deborah G. Threp  
(Printed Name)

NOTARY PUBLIC, STATE OF \_\_\_\_\_

4/25/17  
(Commission Expiration Date)

1997  
(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

