



Matthew R. Bernier  
SENIOR COUNSEL  
Duke Energy Florida, LLC

April 27, 2016

VIA ELECTRONIC DELIVERY

Ms. Carlotta Stauffer, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Nuclear Cost Recovery Clause; Docket No. 160009-EI

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 portions of hearing exhibits 98, 99, and 101 entered into evidence at the final hearing in Docket 140009-EI. DEF is seeking an extension of its Eighth Request for Confidential Classification filed August 26, 2014, (document nos. 04203-14, 04204-14, and 04205-14). Also attached is Revised Exhibit D, Affidavit of Christopher M. Fallon 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 exhibits: Exhibit A consisting of the confidential unredacted documents; Exhibit B containing two (2) redacted copies of the confidential documents; or Exhibit C that contained a justification matrix in support of DEF's original Request. The aforementioned exhibits remain on file with the Clerk.

Thank you for your assistance in this matter. If you have any questions, please feel free to contact me at (850) 521-1428.

Sincerely,

*/s/ Matthew R. Bernier*  
Matthew R. Bernier

MRB:at  
Attachments

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery  
Clause

Docket No. 160009-EI

Dated: April 27, 2016

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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”) concerning portions of hearing exhibits 98, 99, and 101 entered into evidence at the final hearing in Docket 140009-EI. In support of the Request, DEF states as follows:

1. On August 26, 2014, DEF filed its Eighth Request for Confidential Classification concerning portions of the hearing exhibits entered into evidence at the final hearing held on August 4, 2014 (document nos. 04203-14, 04204-14, and 04205-14) which includes sensitive business information as it contains confidential proprietary business information.

2. DEF’s August 26, 2014 Request was granted by Order No. PSC-14-0652-CFO-EI on November 5, 2014. The period of confidential treatment granted by that order will expire on May 5, 2016. Some of 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 hearing exhibits 98, 99 and 101 entered into evidence at the final hearing in Docket 140009-EI, contained in DEF’s confidential Exhibit A to the August 26, 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 Christopher M. Fallon at ¶¶ 4-5, 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 Christopher M. Fallon ¶ 6.

4. Nothing has changed since the issuance of Order No. PSC-14-0652-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 27<sup>th</sup> day of April, 2016.

*/s/ Matthew R. Bernier*

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## 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 27th day of April, 2016.

/s/ Matthew R. Bernier

Attorney

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# **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. 160009-EI

Dated: April \_\_\_\_, 2016

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**AFFIDAVIT OF CHRISTOPHER M. FALLON 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 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 Business Services ("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 First Request for Extension of Confidential Classification (the "Request"). 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 DEF's Eighth Request for Confidential Classification filed August 26, 2014 in

Docket 140009-EI. Specifically the Request concerns portions of the hearing exhibits entered into evidence at the final hearing held on August 4, 2014 (document nos. 04203-14, 04204-14, and 04205-14) in the above-referenced docket. 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 seeking 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 negotiates with vendors to obtain competitive contracts for the disposition of long lead time equipment ("LLE") for the Levy Nuclear Project ("LNP") 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 disposition of the LLE for the LNP. 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 would be undermined.

5. Additionally, revealing LLE disposition terms to third parties may compromise DEF's ability to negotiate additional LLE dispositions on a favorable basis. The disclosure of confidential information between DEF and its vendors could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to negotiate and obtain favorable contractual terms that provide economic value to both

DEF and its customers could be compromised. 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, 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.

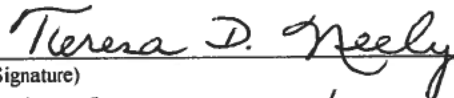
Dated this 25<sup>th</sup> day of April, 2016.



(Signature)

Christopher M. Fallon

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 25 day of April, 2016 by Christopher M. Fallon. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.



(Signature)

TERESA D. NEELY

(Printed Name)

NOTARY PUBLIC, STATE OF NC

September 2, 2020

(Commission Expiration Date)

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

