



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

April 29, 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. 13-010-2-2* (document number 02696-13) filed in docket no. 130009-EI, and Revised Exhibit D, Affidavit of Christopher 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'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

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Docket No. 160009-EI

Filed: April 29, 2016

**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. 13-010-2-2* (the “Workpapers”), submitted in Docket No. 130009-EI on May 16, 2013. In support of this Request, DEF<sup>1</sup> states as follows:

1. On May 16, 2013, DEF filed its Fourth Request for Confidential Classification concerning certain information contained in portions of Staff’s Auditors’ Workpapers, *Audit Control No. 13-010-2-2* (document number 02696-13<sup>2</sup>).

2. DEF’s Fourth Request was granted by Order No. PSC-14-0648-CFO-EI, dated November 4, 2014. The period of confidential treatment granted by that order will expire on May 4, 2016. Portions of the information granted confidential treatment by Order No. PSC-14-0648-CFO-EI 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.

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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 May 16, 2013 Request as if fully set forth herein

3. DEF submits that the information contained in Staff's Auditors' Workpapers, *Audit Control No. 13-010-2-2*, referenced in confidential Exhibit A to the May 16, 2013 Request, continues 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 Chris Fallon 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 Chris Fallon ¶ 5.

4. Nothing has changed since the issuance of Order No. PSC-14-0648-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 29<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 29<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**

**(On file)**

**REVISED  
EXHIBIT D**

**AFFIDAVIT OF  
CHRIS FALLON**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery  
Clause

Docket No. 160009-EI

Submitted for Filing: April 29, 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 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 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") audit workpapers pertaining to *Audit Control No. 13-010-2-2* (the "workpapers"), filed on May 16, 2013 in Docket No. 130009 (document number 02696-13). 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 Staff's audit workpapers pertaining to *Audit Control No. 13-010-2-2* submitted in Docket No. 130009. 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 the workpapers because they contain confidential financial and contractual information concerning the Levy Nuclear Project ("LNP"), the disclosure of which would impair DEF's competitive business interests and could impair the Company's efforts to negotiate contracts on favorable terms.

4. 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.

5. 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.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated this 26<sup>th</sup> day of April, 2016.

Christopher M. Fallon  
(Signature)  
Christopher M. Fallon

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 26 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.

Teresa D. Neely  
(Signature)

TERESA D. NEELY  
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF NC

September 2, 2020  
(Commission Expiration Date)

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

