



**Matthew R. Bernier**  
SENIOR COUNSEL  
Duke Energy Florida, LLC

July 12, 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 Florida Public Service Commission Staff-Generated Auditors' Workpapers (document no. 05217-14) filed September 17, 2014 in Docket 140009-EI. 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: July 12, 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”) for certain information contained in Florida Public Service Commission Staff-Generated Auditors’ Workpapers (the “Workpapers”) submitted in Docket No. 140009-EI on September 17, 2014. In support of the Request, DEF states as follows:

1. On September 17, 2014, DEF filed a Request for Confidential Classification of certain information contained in portions of the Workpapers, (document no. 05217-14) that includes sensitive business information as it contains confidential proprietary business information.

2. DEF’s September 17, 2014 Request was granted by Order No. PSC-15-0040-CFO-EI on January 12, 2015. The period of confidential treatment granted by that order will expire on July 12, 2016. 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 DEF’s confidential Exhibit A to the September 17, 2014 Request continues to be “proprietary confidential business information” within the meaning of section 366.093(3), F.S. and continues to require confidential

classification. *See* Affidavit of Christopher M. 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 Christopher M. Fallon ¶¶ 5-6.

4. Nothing has changed since the issuance of Order No. PSC-15-0040-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. *See* Affidavit of Christopher M. Fallon ¶ 3. 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 12<sup>th</sup> day of July, 2016.

*/s/ Matthew R. Bernier*

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via electronic mail to the following this 12<sup>th</sup> day of July, 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  
Submitted for Filing: July 12, 2016

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**AFFIDAVIT OF CHRISTOPHER M. FALLON IN SUPPORT OF DUKE ENERGY  
FLORIDA, LLC'S 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, LLC ("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 Request for Extension of Confidential Classification. 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 Levy nuclear power plant project ("Levy").

3. DEF is seeking an extension of confidential classification for certain information contained in portions of the Florida Public Service Commission Staff-Generated auditors' workpapers (the "Workpapers") filed on September 17, 2014 in Docket No. 140009-EI (document no. 05217-14). 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 the documents contain confidential contractual, financial, and vendor information, the disclosure of which would impair DEF's competitive business interests.

4. The Company is requesting confidential classification of this information because the Workpapers contain proprietary and confidential financial information that would impair DEF's competitive business interests if publicly disclosed, including information concerning contractual and financial data, the disclosure of which would impair the Company's ability to contract on favorable terms and, in many cases, the information constitutes trade secrets of the Company and its contract partners. Specifically, portions of these documents contain confidential contractual data, including pricing agreements, payment information and other confidential financial and contractual terms, the release of which would impair DEF's competitive business interests. The disclosure of this information would compromise DEF's competitive business interests and in certain instances violate contractual confidentiality provisions with DEF's vendors.

5. If such information was disclosed to DEF's competitors and/or other potential suppliers, DEF's efforts to obtain or disposition competitive nuclear equipment and service options that provide economic value to both the Company and its customers could be compromised by the Company's competitors and/or suppliers changing their offers, consumption, or purchasing behavior within the relevant markets. DEF must be able to assure these vendors that sensitive business information, such as the terms of their contracts, will be kept confidential. 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. Without the Company's measures to maintain the confidentiality of sensitive terms in contracts with these nuclear contractors, the Company's efforts to obtain competitive contracts could be undermined to the detriment of DEF and its customers.

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 and performing the analyses in question 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 \_\_\_\_\_ day of July, 2016.

\_\_\_\_\_  
(Signature)

Christopher M. Fallon

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

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

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

\_\_\_\_\_  
(Commission Expiration Date)

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

(AFFIX NOTARIAL SEAL)