



Matthew R. Bernier
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Duke Energy Florida, LLC.

February 17, 2017

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. 170009-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 portions of information contained in the May 1, 2015 Direct Testimony of Thomas G. Foster and Exhibit No. TGF-3 (document no. 03039-15) filed in docket no. 150009-EI.

Portions of the documents submitted with the original May 21, 2015 Third Request for Confidential Classification are no longer confidential. Specifically, the direct testimony of Christopher Fallon and Exhibit CMF-7 and the Direct Testimony of Mark R. Teague are no longer confidential. The remaining testimony and exhibit submitted under DEF's Third Request for confidential Classification remain confidential. Therefore, DEF submits revised Exhibit D, affidavit of Christopher Fallon supporting DEF's First Request for Extension of Confidential Classification.

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
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MRB/mw
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Nuclear Cost Recovery Clause

Docket No. 170009-EI

Filed: February 17, 2017

**DUKE ENERGY FLORIDA, LLC'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”) for certain information contained in the May 1, 2015, Direct Testimony of Thomas G. Foster and Exhibit No. TGF-3 filed in Docket No. 150009-EI on May 21, 2015. In support of this Request, DEF states as follows:

1. On May 21, 2015, DEF filed its Third Request for Confidential Classification for portions of the direct testimony of Thomas G. Foster, specifically pages 12, 13, and 15, and certain information contained in Exhibit No. TGF-3, specifically pages 4, 5, 10, 15, 16, and 17, (document no. 03039-15) as they contain confidential proprietary business information.

2. DEF’s Third Request was granted by Order No. PSC-15-0337-CFO-EI, dated August 21, 2015. The period of confidential treatment granted by that order will expire on February 21, 2017. Portions of the information granted confidential treatment by Order No. PSC-15-0337-CFO-EI continue 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 certain information contained the direct testimony of Thomas G. Foster, specifically pages 12, 13, and 15, and Exhibit No. TGF-3, specifically pages 4, 5, 10, 15, 16, and 17, referenced in confidential Exhibit A to the May 21, 2015 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 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 Fallon ¶ 5.

4. The direct testimony of Mark Teague and the direct testimony of Christopher Fallon and Mr. Fallon’s Exhibit No. CMF-7 are no longer confidential and therefore DEF submits a Revised Exhibit “D” along with this Request. Otherwise, nothing has changed since the issuance of Order No. PSC-15-0337-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 17th day of February 2017.

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 17th day of February 2017.

s/Matthew R. Bernier

Attorney

<p>Kyesha Mapp Margo Leathers Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 kmapp@psc.state.fl.us mleather@psc.state.fl.us asoete@psc.state.fl.us</p> <p>Kenneth Hoffman Vice President, Regulatory Affairs Florida Power & Light Company 215 S. Monroe Street, Suite 810 Tallahassee, FL 32301-1858 ken.hoffman@fpl.com</p> <p>Jessica Cano Kevin I.C. Donaldson Florida Power & Light Company 700 Universe Boulevard June Beach, FL 33408-0420 jessica.cano@fpl.com kevin.donaldson@fpl.com</p> <p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com</p> <p>George Cavros 120 E. Oakland Park Blvd, Suite 105 Fort Lauderdale, FL 33334 george@cavros-law.com</p>	<p>J.R.Kelly Charles J. Rehwinkel Erik L. Sayler Patty Christensen Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399 kelly.jr@leg.state.fl.us rehwinkel.charles@leg.state.fl.us sayler.erik@leg.state.fl.us christensen.patty@leg.state.fl.us</p> <p>Victoria Mendez Christopher A. Green Xavier E. Alban Kerri L. McNulty City of Miami 444 SW 2nd Avenue, Suite 945 Miami, FL 33130-1910 vmendez@miamigov.com cagreen@miamigov.com xealban@miamigov.com klmcnulty@miamigov.com mgriffin@miamigov.com</p> <p>Robert Scheffel Wright John T. LaVia III Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p> <p>James W. Brew Laura A. Wynn Stone Mattheis Xenopoulos & Brew, P.C. 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, D.C. 20007 jbrew@smxblaw.com law@smxblaw.com</p>
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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
CHRISTOPHER FALLON**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery
Clause

Docket No. 170009-EI

Dated: February 17, 2017

**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 currently employed by Duke Energy Commercial Enterprise, Inc. in the capacity of Vice President of Renewables and Commercial Portfolio. I was the Vice President of Nuclear Development with Duke Energy Business Services when the original Request for Confidential Classification was filed. 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 "Request") regarding certain information contained in for certain information contained in the May 1, 2015, Direct Testimony of Thomas G. Foster and Exhibit No. TGF-3, filed on May 21, 2015 in Docket No. 150009-EI (document no.03039-15). The facts attested to in my affidavit are based upon my personal knowledge.

2. As the Vice President of Nuclear Development, I was responsible for the Levy Nuclear Power Plant Project ("LNP" or "Levy"), which included the direct management of the Engineering, Procurement, and Construction ("EPC") Agreement for the LNP.

3. DEF is seeking an extension of confidential classification for certain information contained in the May 1, 2015, Direct Testimony of Thomas G. Foster and Exhibit No. TGF-3, filed in Docket No. 150009-EI. There are no changes to the May 1, 2015, Direct Testimony of Thomas G. Foster and Exhibit No. TGF-3, filed in Docket No. 150009-EI and 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 sensitive business information, the disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms.

4. The May 1, 2015, Direct Testimony of Thomas G. Foster and Exhibit No. TGF-3, filed in Docket No. 150009-EI contain sensitive proprietary and confidential contractual and cost information related to the EPC Agreement. DEF negotiates with vendors to obtain competitive contracts 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 quantity, pricing, and other financial terms will be kept confidential. The public disclosure of this information would allow other parties to discover how the Company analyzes risk options, scheduling, and cost, and would impair DEF's ability to contract for such goods and services on competitive and favorable terms.

5. Additionally, if such information was disclosed to DEF's competitors and/or other potential vendors, DEF's efforts to obtain competitive equipment and service options could be compromised by the Company's competitors and/or suppliers changing their offers or negotiating strategies. The disclosure of confidential information between DEF and its vendors could adversely impact DEF's competitive business interests. By the terms of the contracts, all

parties have agreed to protect the proprietary and confidential information from public disclosure.

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 2nd day of February, 2017.

Christopher M. Fallon
(Signature)
Christopher M. Fallon

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 2nd day of February, 2017 by Christopher M. Fallon. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

Andrea K. Bizzell
(Signature)
Andrea K. Bizzell
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF North Carolina
June 25, 2017
(Commission Expiration Date)
201217900080
(Serial Number, If Any)

