

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval to include in base rates the revenue requirement for the CR3 regulatory asset, by Duke Energy Florida, Inc.

DOCKET NO. 150148-EI

In re: Petition for issuance of nuclear asset-recovery financing order, by Duke Energy Florida, Inc. d/b/a Duke Energy.

DOCKET NO. 150171-EI  
ORDER NO. PSC-17-0164-CFO-EI  
ISSUED: May 10, 2017

ORDER GRANTING DUKE ENERGY FLORIDA, LLC'S FIRST REQUEST FOR  
EXTENSION OF CONFIDENTIAL CLASSIFICATION OF INFORMATION CONTAINED  
IN AUDIT WORKPAPERS (DOCUMENT NO. 05290-15, X-REF. 04956-15)

By Order No. PSC-15-0490-CFO-EI, issued October 20, 2015, this Commission granted Duke Energy Florida, LLC's (DEF or Company) Seventh Request for Confidential Classification of portions of staff's Financial Audit Workpapers, Audit Control No. 15-161-2-1 (Document No. 05290-15, x-ref. 04956-15). Pursuant to Section 366.093(4), Florida Statutes (F.S.), confidential classification of these materials was granted for a period of 18 months from the date of the issuance of the Order.

On April 11, 2017, DEF filed its First Request for Extension of Confidential Classification of these materials. DEF asserts that those portions of the information contained in the above-referenced Workpapers, described with specific justification in Exhibit C of its original request, continue to constitute proprietary and confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, Florida Administrative Code (F.A.C.). DEF further asserts that the information is intended to be and is treated as private by DEF, and has not been publicly disclosed.

DEF incorporated by reference all exhibits attached to its original request, including a sealed Exhibit A, consisting of the unredacted confidential documents; Exhibit B, containing two redacted copies of the confidential documents; and Exhibit C, the justification matrix in support of its original request. Also included in support of this Request is the affidavit of DEF's Director of Rates and Regulatory Planning, dated April 10, 2017.

Section 366.093(1), F.S., provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3)(d), (e), and (f), F.S., provides that proprietary confidential business information includes, but is not limited to "[i]nformation concerning bids or other contractual

data, the disclosure of which would impair the efforts of the public utility or its affiliate to contract for goods or services on favorable terms,” “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information,” and “[e]mployee personnel information unrelated to compensation, duties, qualifications, or responsibilities.”

DEF contends that the materials at issue include sensitive business information which the Company does not disclose to the public, such as contractual, financial, vendor and employee information, the disclosure of which would harm the Company’s competitive business interests and in many cases would violate contractual confidentiality clauses. DEF further contends that public disclosure would also violate DEF’s employees’ and contractors’ individual right to privacy. The Company continues to treat these materials as confidential and has taken all necessary steps to protect it from public disclosure.

Upon review, it appears that the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for continued classification as proprietary confidential business information. The information constitutes “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliate to contract for goods or services on favorable terms,” “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information,” and “[e]mployee personnel information unrelated to compensation, duties, qualifications, or responsibilities.” Thus, this information is granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless DEF or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Duke Energy Florida, LLC’s First Request for Extension of Confidential Classification of Document No. 05290-15 (x-ref. 04956-15) is granted. It is further

ORDERED that the information contained in Document No. 05290-15 (x-ref. 04956-15) for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 10th day  
of May, 2017.



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RONALD A. BRISÉ  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.