



Matthew R. Bernier
ASSOCIATE GENERAL COUNSEL
Duke Energy Florida, LLC

February 2, 2018

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. 20180009-EI

Ms. Stauffer:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Second Request for Extension of Confidential Classification concerning certain information contained in Florida Public Service Commission Staff-Generated Auditors' Workpapers (document no. 05217-14) filed in Docket No. 20140009-EI on September 17, 2014. Also attached is Revised Appendix D, Affidavit of Christopher M. Fallon in support of DEF's Request for Extension of Confidential Classification. The original Request included Appendices A, B, and C.

There are no changes to the original Request appendices: Appendix A consisting of the confidential unredacted documents; Appendix B containing two (2) redacted copies of the confidential documents; or Appendix C that contained a justification matrix in support of DEF's original Request. The aforementioned appendices 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

In re: Nuclear Cost Recovery
Clause

Docket No. 20180009-EI

Dated: February 2, 2018

**DUKE ENERGY FLORIDA LLC'S
SECOND 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 Second 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-2015-0040-CFO-EI on January 12, 2015. The period of confidential treatment granted by that order was due to expire on July 12, 2016. To retain confidentiality of these workpapers, DEF filed its First Request for Extension of Confidential Classification on July 12, 2016. DEF’s July 12, 2016 Request was granted by Order No. PSC-2016-0336-CFO-EI on August 15, 2016.

3. The period of confidential treatment granted by that order will expire on February 15, 2018. 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 Second Request for Extension of Confidential Classification.

4. 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 ¶¶ 5-7.

5. Nothing has changed since the issuance of Orders No. PSC-2015-0040-CFO-EI and PSC-2016-0336-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 Second Request for Extension of Confidential Classification be granted.

Respectfully submitted this 2nd day of February, 2018.

/s/ Matthew R. Bernier

DIANNE M. TRIPLETT
Deputy General Counsel

MATTHEW R. BERNIER
Associate General Counsel

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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 2nd day of February, 2018.

/s/ Matthew R. Bernier
Attorney

<p>Kyesha Mapp Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 kmapp@psc.state.fl.us</p> <p>James W. Brew / Laura A. Wynn Stone Law Firm 1025 Thomas Jefferson Street, N.W. Eighth Floor, West Tower Washington, DC 20007 jbrew@smxblaw.com law@smxblaw.com</p>	<p>J.R. Kelly / Charles J. Rehwinkel / Patricia Christensen / Erik Sayler Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 kelly.jr@leg.state.fl.us rehwinkel.charles@leg.state.fl.us christensen.patty@leg.state.fl.us sayler.erik@leg.state.fl.us</p> <p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com</p>
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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

In Re: Nuclear Cost Recovery Clause

Docket No. 20180009-EI

**AFFIDAVIT OF CHRISOPHER M. FALLON IN SUPPORT OF
DUKE ENERGY FLORIDA'S
SECOND 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 Corporation ("Duke Energy") in the capacity of Vice President of Renewables and Commercial Portfolio. Until November 2016, I was Duke Energy's Vice President of Nuclear Development, and as such, I was responsible for the Levy Nuclear Power Plant Project ("LNP"). 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 (hereinafter "DEF" or the "Company") behalf and in support of DEF's Second 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 was responsible for licensing and engineering design for the LNP, including the direct management of the Engineering,

procurement and Construction (“EPC”) Agreement with Westinghouse Electric Company Co., 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 portions of the Florida Public Service Commission Staff-generated Auditors’ workpapers (“Workpapers”) filed on September 17, 2014 in Docket 20140009-EI (document no. 05217-2014). 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 the information because the documents contain confidential contractual, financial, and vendor information, the disclosure of which would impair DEF’s competitive business interests.

4. Specifically, DEF continues to request confidential classification of the information because the Workpapers contain proprietary and confidential financial information that would impair DEF’s competitive business interest 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.

6. The Company 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 DEF'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.

7. 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 has the Company publicly disclosed the information at issue. The Company has treated and continues to treat the information at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

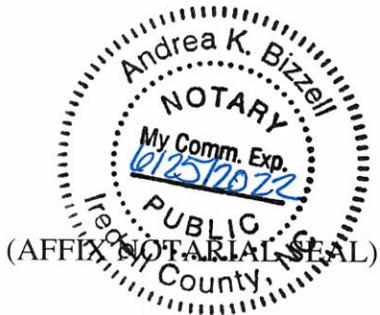
Dated the 1st day of February, 2018.

Christopher M. Fallon

(Signature)

Christopher M. Fallon

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 1st day of February 2018 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)

NOTARY PUBLIC, STATE OF NC

June 25, 2022

(Commission Expiration Date)

(Serial Number, If Any)