



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

March 6, 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 pertaining to *Audit Control No. 11-024-2-2* originally filed on May 9, 2011 in Docket No. 20110009 (document number 03195-2011).

On April 20, 2016, DEF submitted its First Request for Extension of Confidential Classification in Docket No. 20160009-EI (document no. 02311-2016). DEF's April 20, 2016 Request was granted by Order No. PSC-2016-0349-CFO-EI dated August 22, 2016.

There are no changes to the April 20, 2016 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 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

Filed: March 6, 2018

**DUKE ENERGY FLORIDA LLC'S
SECOND 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 Second Request for Extension of Confidential Classification (“Request”) concerning portions of the Florida Public Service Commission Staff’s (“Staff”) Auditors’ workpapers for Audit Control No. 11-024-2-2 (the “Work Papers”), originally submitted in Docket No. 20110009-EI on May 9, 2011. In support of this Request, DEF¹ states as follows:

1. On May 9, 2011, DEF filed its Fifth Request for Confidential Classification concerning certain information contained in portions Staff’s Auditors’ Workpapers, *Audit Control No. 11-024-2-2* (document number 03195-11) and a Revised Exhibit C filed on July 5, 2011 (document number 04616-11).

2. DEF’s Fifth Request, incorporating the July 5, 2011 Revised Exhibit C, was granted by Order No. PSC-2014-0614-CFO-EI, dated October 24, 2014. To retain confidentiality of these workpapers, DEF filed its First Request for Extension of Confidential Classification on April 20, 2016. DEF’s April 20, 2016 Request was granted by Order No. PSC-2016-0349-CFO-EI dated August 22, 2016.

¹ The confidential information at issue was provided to the Commission by DEF’s predecessor, Progress Energy Florida, Inc. (“PEF”).

3. The information granted confidential treatment by Order No. PSC-2016-0349-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 Second Request for Extension of Confidential Classification.

4. DEF submits that portions of the information contained in Staff’s Auditors’ Workpapers, *Audit Control No. 11-024-2-2*, referenced in Revised Exhibits “A”, “B” and “C” of DEF’s First Request for Extension of Confidential Classification continue 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 ¶¶ 3-6, 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 ¶ 7.

4. Nothing has changed since the issuance of Order No. PSC-2016-0349-CFO-EI to render the information for which DEF now seeks an extension of confidential treatment 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 Second Request for Extension of Confidential Classification be granted.

Respectfully submitted this 6th day of March, 2018,

s/Matthew R. Bernier

DIANNE M. TRIPLETT

Deputy General Counsel
299 First Avenue North
St. Petersburg, FL 33701
T: (727)820-4692
F: (727)820-5041
Email: Dianne.Triplett@duke-energy.com

MATTHEW R. BERNIER

Associate General Counsel
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
T: (850)521-1428
F: (727)820-5041
Email: Matthew.Bernier@duke-energy.com
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 6th day of March, 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>George Cavros 120 E. Oakland Park Blvd., Ste. 105 Fort Lauderdale, FL 33334 george@cavros-law.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>
--	---

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 M. Fallon

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery
Clause

Docket No. 20180009-EI

**AFFIDAVIT OF CHRISTOPHER 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") regarding certain information contained in the Florida Public Service Commission Staff's ("Staff") audit workpapers pertaining to *Audit Control No. 11-024-2-2* (the "workpapers"), originally filed on May 9, 2011 in Docket No. 20110009 (document number 03195-2011). The facts attested to in my affidavit are based upon my personal knowledge.

2. As Vice President of Nuclear Development, I was 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. 11-024-2-2* submitted in DEF's First Request for Extension of Confidential Classification filed April 20, 2016 in Docket No. 20160009-EI, (document no. 02311-2016). 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 contractual information and numbers concerning the Levy Nuclear Project ("LNP"), the disclosure of which would impair DEF's competitive business interests and violate DEF's confidentiality agreements with third parties and vendors; information gleaned from the internal audit controls and reports and other information the disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms.

4. The Company is requesting an extension of confidential classification of this information because Exhibit A contains proprietary and confidential financial information that would impair DEF's competitive business interests if publicly disclosed, as well as information concerning contractual data, the disclosure of which would impair the Company's ability to contract on favorable terms. 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 capital costs numbers and other financial terms will be kept confidential.

5. Portions of these documents reflect the Company's internal strategies for evaluating projects. The release of which would place DEF's competitors at a relative

competitive advantage, thereby harming the Company's and its customer's interests. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and vendors, the Company's efforts to obtain competitive contracts would be undermined.

6. The disclosure of confidential information between DEF and its vendors could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to negotiate and obtain favorable contractual terms that provide economic value to both DEF and its customers could be compromised. 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.

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 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.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated this 5th day of March, 2018.

Christopher M. Fallon

(Signature)

Christopher M. Fallon

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 5th day of March, 2018 by Christopher M. Fallon. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.



(AFFIX NOTARIAL SEAL)

Andrea K. Bizzell

(Signature)

Andrea K. Bizzell

(Printed Name)

NOTARY PUBLIC, STATE OF NC

June 25, 2022

(Commission Expiration Date)

(Serial Number, If Any)