



**Matthew R. Bernier**  
Associate General Counsel  
Duke Energy Florida, LLC.

October 1, 2018

**VIA ELECTRONIC FILING**

Ms. Carlotta Stauffer, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: *Fuel and purchased power cost recovery clause with generating performance incentive factor; Docket No. 20180001-EI*

Dear Ms. Stauffer:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Extension of Confidential Classification concerning certain information contained in Exhibit No. \_\_ (CAM-2T) and Exhibit No. \_\_\_ (CAM-3T) to the direct testimony of Christopher A. Menendez, (Document No. 02603-2017) filed in docket no. 20170001-EI and Revised Exhibit D, Affidavit of Christopher A. Menendez. The original Request included Exhibits A, B, and C.

There are no changes to the original Request's Exhibit A consisting of the confidential unredacted documents, Exhibit B containing two (2) redacted copies of the confidential document, or Exhibit C containing a justification table in support of DEF's original Request. The aforementioned exhibits remain on file with the Clerk.

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*

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Matthew R. Bernier  
Associate General Counsel  
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MRB/mw  
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Fuel and purchased power cost  
recovery clause with generating  
performance incentive factor.

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Docket No. 20180001-EI

Dated: October 1, 2018

**DUKE ENERGY FLORIDA, LLC'S  
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 Request for Extension of Confidential Classification (“Request”) for certain information contained in Exhibit No. \_\_ (CAM-2T), Calculation of Actual True-Up, Sheet 2 of 3, Calculation of Actual/Estimated True Up, Sheet 3 of 3, and Exhibit No. \_\_\_\_ (CAM-3T), Schedule A12, Sheet 9 of 9, to the direct testimony of Christopher A. Menendez. In support of this Request, DEF states:

1. On March 1, 2017, DEF filed a request for confidential classification of certain information contained in Exhibit No. \_\_ (CAM-2T), Calculation of Actual True-Up (Sheet 2 of 3), Calculation of Actual/Estimated True Up (Sheet 3 of 3), and Exhibit No. \_\_ (CAM-3T), Schedule A12 (Sheet 9 of 9) to the direct testimony of Christopher A. Menendez (Document No. 02603-2017), which includes sensitive business information such as contractual and competitively negotiated data.

2. DEF's March 1, 2017 Request was granted by Order No. PSC-17-0125-CFO-EI on April 4, 2017. The period of confidential treatment granted by that order will expire on October 4, 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 Request for Extension of Confidential Classification.

3. DEF submits that the portions of information provided in Exhibit No. \_\_ (CAM-2T), Calculation of Actual True-Up, Sheet 2 of 3, Calculation of Actual/Estimated True Up, Sheet 3 of 3, and Exhibit \_\_\_\_ (CAM-3T), Schedule A12, Sheet 9 of 9, to the direct testimony of Christopher A. Menendez identified in Exhibit "A" and Exhibit "C" to the March 1, 2017 Request<sup>1</sup> 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 A. Menendez at ¶ 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 A. Menendez ¶¶ 5-7.

4. Nothing has changed since the issuance of Order No. PSC-17-0125-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

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<sup>1</sup> DEF hereby incorporates Exhibits A, B, and C to the original Request, Document No. 02603-2017 submitted on March 1, 2017 in Docket No. 20170001-EI as if attached hereto.

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 Request for Extension of Confidential Classification be granted.

Respectfully submitted this 1<sup>st</sup> day of October, 2018.

*s/Matthew R. Bernier*

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**Duke Energy Florida, LLC**  
Docket No.: 20180001

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 1<sup>st</sup> day of October, 2018 to all parties of record as indicated below.

s/Matthew R. Bernier

Attorney

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# **Exhibit A**

**“CONFIDENTIAL”**

**(on file)**

# **Exhibit B**

**REDACTED**

**(on file)**

**Exhibit C**

**DUKE ENERGY FLORIDA  
Confidentiality Justification Matrix  
(On file)**



**REVISED EXHIBIT D**

**AFFIDAVIT OF  
CHRISTOPHER A.  
MENENDEZ**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Fuel and purchased power cost  
recovery clause with generating  
performance incentive factor

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Docket No. 20180001-EI

Dated: October 1, 2018

**AFFIDAVIT OF CHRISTOPHER A. MENENDEZ IN SUPPORT OF  
DUKE ENERGY FLORIDA'S  
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Christopher A. Menendez, who being first duly sworn, on oath deposes and says that:

1. My name is Christopher A. Menendez. I am over the age of 18 years old and I have been authorized by Duke Energy Florida (hereinafter "DEF" or the "Company") to give this affidavit in the above-styled proceeding on DEF's behalf and in support of DEF's Request for Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Rates and Regulatory Strategy Manager within the Rates and Regulatory Strategy Department. This department is responsible for regulatory planning and cost recovery for DEF.

3. As the Rates and Regulatory Strategy Manager, I am responsible, along with the other members of the section, for the production and review of the regulatory financial reports of DEF and analysis of state, federal and local regulations and their impact on DEF.

4. DEF is seeking an extension of confidential classification for certain information contained in Exhibit No. \_\_ (CAM-2T); Calculation of Actual True-Up, Sheet 2 of 3 and Calculation of Actual/Estimated True Up, Sheet 3 of 3 and Exhibit No. \_\_ (CAM-3T); Schedule A12, Sheet 9 of 9, to my direct testimony filed on March 1, 2017 in Docket No. 20170001-EI. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix C. The referenced Exhibits are on file with the Clerk. DEF is requesting an extension of confidential classification of this information because it contains competitively sensitive contractual confidential business information of capacity suppliers DEF contracts with.

5. DEF negotiates with potential capacity suppliers to obtain competitive contracts for capacity purchase options that provide economic value and system reliability to DEF and its customers. In order to obtain such contracts, however, DEF must be able to assure capacity suppliers that sensitive business information, such as the contractual terms, will be kept confidential. DEF enters into contracts that require the information will be protected from disclosure. In order to protect this confidential information, it is also necessary to keep additional information that could be used to compute the confidential information at issue if made public; for example, if costs relating to one contract were held confidential, but all other contractual costs and the resulting subtotal were public, the confidential information would become apparent. For

this reason, DEF has held confidential the remaining information on the subject exhibits that could be used to compute to the confidential information in need of protection.

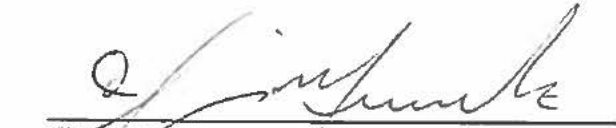
6. Absent such measures, suppliers would run the risk that sensitive business information that they provided in their contracts with DEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with DEF might decide not to do so if DEF did not keep those terms confidential. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and capacity suppliers, the Company's efforts to obtain competitive capacity contracts could be undermined. Additionally, the disclosure of confidential information in DEF's capacity purchases could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive capacity purchase options that provide economic value to both DEF and its customers could be compromised by DEF's competitors changing their consumption or purchasing behavior within the relevant markets.

7. Upon receipt of confidential information from capacity suppliers, 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, and restricting the number of, and access to the information and contracts. At no time since receiving the contracts and information in question has the Company publicly disclosed that information or contracts. The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

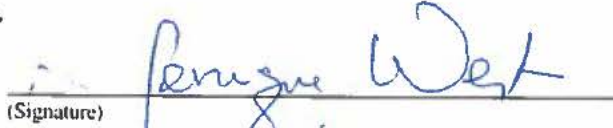
Further affiant sayeth not.

Dated the 27<sup>th</sup> day of September, 2018.

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

Christopher A. Menendez  
Rates and Regulatory Strategy Manager  
Rates and Regulatory Strategy  
Duke Energy Florida, LLC  
299 1<sup>st</sup> Avenue South  
St. Petersburg, FL 33701

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 27 day of September, 2018, by Christopher A. Menendez. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

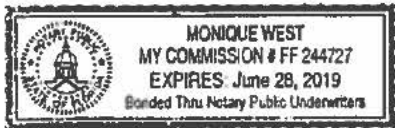
  
\_\_\_\_\_  
(Signature)

Monique West  
\_\_\_\_\_  
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF FLORIDA

June 28 2019  
\_\_\_\_\_  
(Commission Expiration Date)



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