



Dianne M. Triplett  
DEPUTY GENERAL COUNSEL  
Duke Energy Florida, LLC

November 8, 2018

**Via ELECTRONIC DELIVERY**

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

Re: Docket No. 20150171-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 portions of information contained in Staff's Financial Audit Workpapers, *Audit Control No. 15-161-2-1* (Document No. 05290-2015) filed in Docket No. 150171-EI on August 25, 2015.

On April 11, 2017, DEF submitted its First Request for Extension of Confidential Classification in Docket No. 20150171-EI (Document No. 04161-2017). DEF's April 11, 2017 Request was granted by Order No. PSC-2017-0164-CFO-EI dated May 10, 2017.

There are no changes to the original 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 original Request. The aforementioned exhibits 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 (727) 820-4692.

Sincerely,

*/s/ Dianne M. Triplett*

Dianne M. Triplett

DMT:at  
Attachments

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Petition of Duke Energy Florida, Inc.  
For Approval to Include In Base Rates the Revenue  
Requirement for the CR3 Regulatory Asset

Docket No. 150148-EI

In re: Petition of Duke Energy Florida, Inc.  
For Issuance of a Nuclear Asset Recovery  
Financing Order

Docket No. 150171-EI

Submitted for Filing  
November 8, 2018

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**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.), hereby submits its Second Request for Extension of Confidential Classification of certain information provided to the Florida Public Service Commission (“FPSC” or “Commission”) Staff (“Staff”) during the FPSC’s Financial Audit in the above-referenced DEF dockets (Audit Control No. 15-161-2-1), including portions of DEF’s Responses to Audit Document Requests, specifically certain information contained in Staff’s audit workpapers (Document No. 05290-15). In support of this Request, DEF states as follows:

1. On August 25, 2015, DEF filed its Seventh Request for Confidential Classification of information contained in Staff’s financial audit workpapers.
2. The Commission granted DEF’s Seventh Request for Confidential Classification in Order No. PSC-2015-0490-CFO-EI, dated October 20, 2015. The period of confidential treatment granted by that order was due to expire on April 20, 2017. To retain confidentiality of the audit workpapers, DEF filed its First Request for Extension of Confidential Classification on

April 11, 2017. DEF's April 11, 2017 Request was granted by Order No. PSC-2017-0164-CFO-EI on May 10, 2017.

3. The period of confidential treatment granted by the May 10, 2017 order will expire on November 10, 2018. The information granted confidential treatment by Order Nos. PSC-2015-0490-CFO-EI and PSC-2017-0164-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 the information contained in Staff's Auditors' Workpapers, *Audit Control No. 15-161-2-1*, referenced in confidential Exhibit A to the August 25, 2015 Request, Document Number 05288-15, continues 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 Marcia Olivier ¶¶ 2-3, attached as Revised Exhibit "D".

5. The Company continues to treat the information contained in the financial audit workpapers as confidential and does not disclose it to the public, its competitors, or those employees within the Company who do not need the information to perform their duties for the Company. See Affidavit of Marcia Olivier ¶ 4. Public disclosure of the confidential portions of the financial audit work papers would harm the Company's competitive business interests and in many cases would violate contractual confidentiality clauses. Public disclosure would also violate DEF's employees' and contractors' individual right to privacy. Specifically, this information includes sensitive business information, such as contractual, financial, vendor and employee information. See Olivier affidavit, ¶ 2. The release of this information would adversely impact DEF's competitive business interests if disclosed to the public. See Olivier affidavit at ¶¶ 2-3.

6. In Order Nos. PSC-2015-0490-CFO-EI and PSC-2017-0164-CFO-EI, the Commission found that the financial audit workpapers contain proprietary confidential business information exempt from disclosure under the public records law pursuant to section 366.093(3), Florida Statutes. Thus, the Commission is not required to engage in any further analysis or review such as weighing the potential harm to the Company of disclosure of this information.

7. DEF has kept confidential and has not publicly disclosed the confidential information at issue here. See Olivier affidavit, ¶ 4. Absent such measures, DEF would run the risk that sensitive business information regarding what it is willing to pay for certain goods and services, as well as what the Company is willing to accept as payment for certain goods and/or services, would be made to available to the public and, as a result, other potential suppliers, vendors, and/or purchasers of such services could change their position in future negotiations with DEF. See id. at ¶ 2. Without DEF's measures to maintain the confidentiality of this sensitive information, the Company's efforts to obtain competitive contracts and to obtain competitively priced goods and services would be undermined. See id. at ¶ 2. Any such disclosure would also violate individual employees' and contractors' rights to privacy and impair the Company's competitive business interests. See id. at ¶ 3. Without DEF's measures to maintain the confidentiality of this personal information, the Company's efforts to obtain talented employees could be undermined. See id. at ¶ 3.

8. Upon receipt of this confidential information, strict procedures are established and followed to maintain the confidentiality of the information provided, including restricting access to those persons who need the information to assist the Company. See id. at ¶ 4. At no time since receiving the information in question has the Company publicly disclosed that information; the Company has treated and continues to treat the information at issue as confidential. See id.

Nothing has changed since the issuance of Order Nos. PSC-2015-0490-CFO-EI and PSC-2017-0164-CFO-EI to render this information stale or public, such that continued confidential treatment would no longer be appropriate. See id.

### **CONCLUSION**

The competitive, confidential information at issue in this request fits the statutory definition of proprietary confidential business information under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, as the Commission found in Order Nos. PSC-2015-0490-CFO-EI and PSC-2017-0164-CFO-EI. As discussed herein, the Company continues to treat this information as confidential and has taken all necessary steps to protect it from public disclosure. Therefore, the Commission should extend the confidential treatment of this information.

WHEREFORE, DEF respectfully requests that the financial audit work papers, Document No. 05290-15, determined by the Commission to be confidential and exempt from public disclosure in Order Nos. PSC-2015-0490-CFO-EI and PSC-2017-0164-CFO-EI, continue to be classified as confidential and exempt from public disclosure for the reasons set forth above.

RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of November, 2018.

*/s/ Dianne M. Triplett*

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Attorneys for  
DUKE ENERGY FLORIDA, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 8<sup>th</sup> day of November, 2018.

*/s/ Dianne M. Triplett*

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Attorney

<p>Theresa L. Tan Rosanne Gervasi Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:ltan@psc.state.fl.us">ltan@psc.state.fl.us</a> <a href="mailto:rgervasi@psc.state.fl.us">rgervasi@psc.state.fl.us</a></p> <p>Florida Industrial Power Users Group c/o Moyle Law Firm, P.A. Jon C. Moyle, Jr. Karen A. Putnal 118 North Gadsden Street Tallahassee, FL 32301 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a> <a href="mailto:kputnal@moylelaw.com">kputnal@moylelaw.com</a></p> <p>Robert Scheffel Wright John T. LaVia, III Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 <a href="mailto:schef@gbwlegal.com">schef@gbwlegal.com</a> <a href="mailto:jlavia@gbwlegal.com">jlavia@gbwlegal.com</a></p>	<p>C. Rehwinkel / J. Kelly / P. Christensen Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 <a href="mailto:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a> <a href="mailto:kelly.jr@leg.state.fl.us">kelly.jr@leg.state.fl.us</a> <a href="mailto:christensen.patty@leg.state.fl.us">christensen.patty@leg.state.fl.us</a></p> <p>PSC Phosphate – White Springs c/o James W. Brew and Owen J. Kopon Stone Law Firm 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007-5201 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:ojk@smxblaw.com">ojk@smxblaw.com</a></p>
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Petition of Duke Energy Florida, Inc.  
For Approval to Include In Base Rates the Revenue  
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Docket No. 150148-EI

In re: Petition of Duke Energy Florida, Inc.  
For Issuance of a Nuclear Asset Recovery  
Financing Order

Docket No. 150171-EI

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**AFFIDAVIT OF MARCIA OLIVIER IN SUPPORT OF  
DUKE ENERGY FLORIDA'S  
SECOND REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Marcia Olivier. As the Director of Rates and Regulatory Planning, I am responsible, along with the other members of the section, for calculating and itemizing Duke Energy Florida's (hereinafter "DEF" or the "Company") total CR3 regulatory asset value consistent with the Revised and Restated Stipulation and Settlement Agreement ("RRSSA"). I am over the age of 18 years old and I have been authorized by the Company to give this affidavit in the above-styled proceeding on DEF's behalf and in support of DEF's Second Request for Extension of Confidential Classification regarding the documents produced in response to Audit Control No. 15-161-2-1, i.e., Staff's audit workpapers (Document No. 05290-15) (hereinafter the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. DEF is seeking an extension of confidential classification of Staff's financial audit workpapers because they contain contractual, financial, DEF employee, and vendor information, the disclosure of which would impair DEF's competitive business interests. DEF is requesting confidential classification of these documents because portions of these documents contain confidential contractual data, including pricing agreements, payment information and other financial and contractual terms of both DEF and third-party companies, 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.

3. The confidential workpapers at issue also contain personal employee information and personal contractor information that are considered sensitive business information, the disclosure of which would violate individual employees' and contractors' rights to privacy and impair the Company's competitive business interests. Specifically, the confidential documents at issue contain employee names, coupled with reimbursement information (e.g., travel costs, materials, meal and lodging reimbursements), that if publicly disclosed would violate the employees' right to privacy. Moreover, disclosure of this information would impair DEF's competitive business interests by signaling to its employees (and those whom DEF may seek to employ) that DEF is unable to maintain the privacy of its employees. This could result in DEF being viewed as a less desirable place to work versus competitors for talented employees that can protect employee information, ultimately resulting in DEF either not being able to attract or retain qualified employees, or being forced to overcompensate such employees to the detriment of DEF and its customers.

4. With respect to the information at issue in this request, DEF has kept confidential and has not publicly disclosed such confidential information and agreements. Strict procedures are established and followed to maintain the confidentiality of the terms of



the agreements 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 documents. The Company has treated and continues to treat the information and documents at issue as confidential. Nothing has changed since the Commission granted DEF's original Request for Confidential Classification or the First Request for Extension of Confidential Classification to render it state or public information. Accordingly, the confidential treatment of this information should be continued.

5. This concludes my affidavit.

Further affiant sayeth not.

Dated the 8<sup>th</sup> day of November, 2018.

Marcia Olivier

Marcia Olivier  
Director of Rates and Regulatory Planning  
Rates and Regulatory Strategy Department  
Duke Energy Florida, LLC  
299 First Avenue North  
St. Petersburg, FL 33701

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 8 day of November, 2018 by Marcia Olivier. She is personally known to me or has produced her \_\_\_\_\_ driver's license, or her \_\_\_\_\_ as identification.



(AFFIX NOTARY SEAL)

Sarah Hirschman Libes

(Signature)

Sarah Hirschman Libes

(Printed Name)

NOTARY PUBLIC, STATE OF FLORIDA

3/23/2022

(Commission Expiration Date)

GG 180580

(Serial Number, if any)