

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for limited proceeding for
recovery of incremental storm restoration
costs related to Hurricanes Irma and Nate by
Duke Energy Florida, LLC

Docket No. 20170272-EI

Dated: February 7, 2019

**DUKE ENERGY FLORIDA, LLC'S
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Duke Energy Florida, LLC (“DEF”), hereby moves pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, for entry of a temporary protective order covering confidential documents and information sought in discovery by the Office of Public Counsel (“OPC”) and as grounds therefore states as follows:

1. In its Fourth Set of Interrogatories (Nos. 67-100) and its Fourth Request for Production of Documents (Nos. 18-26), OPC has requested confidential information and documents. Specifically, portions of the interrogatory questions and answers relating to questions 67-70, 84, 96, 99 and 100, and documents produced in response to Requests 19 through 22. The questions, answers, and documents responsive to these interrogatories and requests for production contain confidential contractual terms, contractor rates and contractor invoices. DEF is required to maintain the confidentiality of its contractors’ confidential information, including contractor rates, contained within the questions, answers, and documents at issue. Confidential protection of this information is requested because public disclosure of this information could adversely affect the Company’s ability to negotiate future contracts and/or secure required resources during a storm response event, therefore impacting the company’s competitive interest and ultimately having a detrimental impact on DEF’s customers. Disclosure of this information

may cause harm to the company's business operations and this information has not been disclosed or released to the public. *See* Section 366.093(3)(d), Fla. Stat.

2. Section 366.093(2), Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code, direct that all records and information produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by public counsel as confidential and shall be exempt from the public records law, Chapter 119.07(1), Florida Statutes. DEF, by this motion, is seeking protection of all confidential documents and information that DEF will produce to OPC in this matter pursuant to OPC's Fourth Set of Interrogatories and Fourth Request for Production of Documents as more specifically stated above. By following this procedure and producing these documents and information, DEF is not waiving its right to seek further relief as necessary to make certain that its confidential, proprietary, business information is not publicly disclosed during any public hearing in this docket.

3. DEF further requests that in connection with the entry of a temporary protective order, the Commission also require Public Counsel to provide DEF with notice of its intent to use such confidential documents and information in connection with the hearing in this matter.

WHEREFORE, DEF requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to information identified as confidential and produced in response to OPC's Fourth Set of Interrogatories and Fourth Request for Production of Documents, instructing Public Counsel to continue to treat it as confidential, and requiring Public Counsel to provide DEF with notice of its intent to use such confidential information in connection with the hearing in accord with the prehearing order governing procedure.

Respectfully submitted this 7th day of February, 2019.

/s/ Matthew R. Bernier

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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 7th day of February, 2019.

/s/ Matthew R. Bernier

Attorney

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