



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

February 12, 2019

VIA ELECTRONIC FILING

Adam Teitzman, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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*

Dear Mr. Teitzman:

Please find enclosed for electronic filing, on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification filed in connection with DEF's Response to OPC's Third Request for Production of Documents (16-17) filed January 22, 2019, and DEF's Supplemental Response to OPC's Third Request for Production of Documents (16-17), filed January 31, 2019.

The filing includes the following:

- DEF's Request for Confidential Classification
- Slipsheet for confidential Exhibit A
- Slipsheet for Redacted Exhibit B
- Exhibit C (justification matrix), and
- Exhibit D (affidavit of Jason Cutliffe)

Please return DEF's confidential Exhibit A (document no. 00329-2019), filed with DEF's Notice of Intent to Request Confidential Classification on January 22, 2019 and DEF's confidential Exhibit A (document no. 00530-2019), filed with DEF's Notice of Intent to Request Confidential Classification on January 31, 2019.

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

Matthew R. Bernier

MRB/at
Enclosures

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 12, 2019

**DUKE ENERGY FLORIDA, LLC'S
REQUEST FOR 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 this Request for Confidential Classification for certain information provided in DEF’s Response to the Office of the Public Counsel’s (“OPC”) Third Request for the Production of Documents (Nos. 16-17), filed on January 22, 2019 and for certain information provided in DEF’s Supplemental Response to the OPC’s Third Request for the Production of Documents (Nos. 16-17), filed on January 31, 2019.

On January 22, 2019, DEF filed its Notice of Intent to Request Confidential Classification with respect to the confidential information contained in DEF’s Response to the OPC’s Third Request for the Production of Documents. Thereafter, on January 31, 2019, DEF filed its Notice of Intent to Request Confidential Classification with respect to the confidential information contained in DEF’s Supplemental Response to the OPC’s Third Request for the Production of Documents. DEF therefore files this Request for Confidential Classification within the twenty-one day period set out in Rule 25-22.006, F.A.C. In support of this Request, DEF states:

1. The information provided in DEF’s Response to OPC’s Third Request for Production of Documents (Nos. 16-17) and DEF’s Supplemental Response to the OPC’s Third Request for the

Production of Documents, specifically question 16, contains “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing an unredacted copy of all the documents for which DEF seeks confidential treatment. Composite Exhibit A is being submitted separately in a sealed envelope labeled “CONFIDENTIAL.” In the unredacted version, the information asserted to be confidential is highlighted in yellow.

(b) Composite Exhibit B is a slip sheet referencing the redacted documents for which the Company requests confidential classification. The specific information for which confidential treatment is requested has not been blocked out by opaque marker; rather, the documents are referenced by bates number since they are confidential in their entirety.

(c) Exhibit C is a table which identifies by page and line the information for which DEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

(d) Exhibit D is an affidavit attesting to the confidential nature of information identified in this request.

3. As indicated in Exhibit C, the information for which DEF requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, the information at issue in DEF’s Response to OPC’s Third Request for the Production of Documents, Question No. 16 relates to sensitive contractual information and mutual assistance agreements between DEF and companies that provided line crew contractors involved in the restoration work related to Hurricane Irma in 2017. Public disclosure of the confidential information would violate the confidentiality provisions in DEF’s contracts and would

impair DEF's ability to contract for services such as line crew assistance on competitive and favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Jason Cutliffe at ¶ 3. Accordingly, such information constitutes "proprietary confidential business information" which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. Furthermore, the responsive contracts and mutual assistance agreements also include pricing sheets reflecting contractual vendor costs of the companies providing line crew contractors involved in the restoration work related to Hurricane Irma in 2017. DEF must ensure that sensitive business information contained in vendor contracts and mutual assistance agreements, are kept confidential, the disclosure of which would impair the Company's efforts to contract for goods and services on favorable terms. *See* § 366.093(3)(e), F.S.; Affidavit of Jason Cutliffe at ¶ 3. Public disclosure of the confidential information would violate the confidentiality provisions in DEF's contracts with companies providing line crew assistance and it would impair DEF's ability to contract for similar services on competitive and favorable terms. If other third parties such as competitors are aware of the negotiated terms of the contracts and mutual assistance agreements, they may offer DEF less competitive contractual terms in future contractual negotiations. *Id.* Accordingly, such information constitutes "proprietary confidential business information" which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

5. The information identified as Exhibit "A" is intended to be and is treated as confidential by the Company. *See* Affidavit of Jason Cutliffe at ¶ 4. The information has not been disclosed to the public, and the Company has treated and continues to treat this information as confidential. *Id.*

5. DEF requests that the information identified in Exhibit A be classified as "proprietary confidential business information" within the meaning of section 366.093(3), F.S., that the

information remain confidential for a period of at least 18 months as provided in section 366.093(4) F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 12th day of February, 2019.

s/Matthew R. Bernier

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Duke Energy Florida, LLC
Docket No.: 20170272
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 12th day of February, 2019 to all parties of record as indicated below.

s/Matthew R. Bernier

Attorney

<p>Rachel Dziechciarz / Ashley Weisenfeld Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 RDziehc@psc.state.fl.us awaisenf@psc.state.fl.us</p> <p>J. R. Kelly / C. Rehwinkel / T. David Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399 kelly.jr@leg.state.fl.us rehwinkel.charles@leg.state.fl.us david.tad@leg.state.fl.us</p> <p>Jon C. Moyle, Jr. / Karen A. Putnal Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com kputnal@moylelaw.com</p>	<p>James Brew / Laura Wynn Stone Law Firm 1025 Thomas Jefferson St., N.W. Suite 800 West Washington, DC 20007 jbrew@smxblaw.com law@smxblaw.com</p> <p>Robert Scheffel Wright / John T. LaVia, III c/o Gardner Law Firm 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p>
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Exhibit A

“CONFIDENTIAL”

(submitted under separate cover)

Exhibit B

REDACTED SLIP SHEET

(The documents submitted on January 22, 2019 with DEF's Response to OPC's Third Request for Production of Documents (Nos. 16-17), and on January 31, 2019 with DEF's Supplemental Response to OPC's Third Request for Production are redacted in their entirety)

**DUKE ENERGY FLORIDA
Confidentiality Justification Matrix**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Response to OPC's Third Request for Production of Documents, question no. 16	Bates No. 20170272-DEF-OPC-POD 3-16-00001 through 20170272-DEF-OPC-POD 3-16-0005640; the documents are confidential in their entirety.	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.</p>
DEF's Supplemental Response to OPC's Third Request for Production of Documents, question no. 16	Bates No. 20170272-DEF-OPC-POD 3-16-0005641 through 20170272-DEF-OPC-POD 3-16-0006268; the documents are confidential in their entirety.	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.</p>

Exhibit D

AFFIDAVIT OF JASON CUTLIFFE

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 __, 2019

**AFFIDAVIT OF JASON CUTLIFFE IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Jason Cutliffe. 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 General Manager of Customer Delivery Operations in DEF's Florida Customer Delivery organization. I am also the Planning Section Chief in DEF's

Incident Command Structure (“ICS”) which affords rapid scalability in response to a specific event.

3. DEF is seeking confidential classification for information provided in DEF’s Response to the Office of the Public Counsel’s (“OPC”) Third Request for Production of Documents (Nos. 16-17), filed on January 22, 2019 in this docket and DEF’s Supplemental Response to the OPC’s Third Request for Production of Documents (Nos. 16-17), filed on January 31, 2019 in this docket.

4. The confidential information at issue is contained in confidential Exhibit A attached to this Request and is outlined in DEF’s Justification Matrix that is attached as Exhibit C. DEF is requesting confidential classification of this information because it contains proprietary confidential business information, the disclosure of which would impair the Company’s ability to protect proprietary business information, and also because disclosure would impair the Company’s ability to contract on favorable terms.

5. Strict procedures are established and followed to maintain the confidentiality of the Company’s vendor contracts and mutual aid agreements, as well as sensitive contractual pricing information, which includes restricting access to those persons who need the information to assist the Company, and restricting the number of, and access to the information. 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.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the 11th day of February, 2019.

Jason Cutliffe

(Signature)

Jason Cutliffe
General Manager CD Operations
Florida Customer Delivery Organization
Duke Energy
299 First Avenue North
St. Petersburg, FL 33701

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ___ day of February 2019 by Jason Cutliffe. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

Janet Lee King

(Signature)

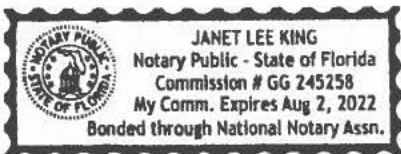
Janet Lee King

(Printed Name)

NOTARY PUBLIC, STATE OF _____
FLORIDA

(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



(Serial Number, If Any)