

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** March 14, 2019  
**TO:** Johana Nieves, Attorney, Office of the General Counsel  
**FROM:** Devlin Higgins, Public Utility Analyst IV, Division of Economics  
**RE:** CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO: 20180149-EI DOCUMENT NO: 07378-2018

DESCRIPTION: Duke Energy (Bernier) - (CONFIDENTIAL) Information provided in response to staff's first set of interrogatories (Nos. 1-40) and staff's first request for PODs (Nos. 1-4); Exh A [x ref DN 07495-2018]

SOURCE: Duke Energy Florida

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Pursuant to Section 366.093, (F.S.), and Rule 25-22.006, Florida Administrative Code, Duke Energy Florida (DEF) requests confidential classification of certain information filed in response to a staff data request, in the above referenced docket, dated 12/3/18. This recommendation specifically addresses DEF's response to Staff's 1<sup>st</sup> Production of Documents (PODs) request, No. 1.

The Company is claiming confidentiality of its response to Staff's 1<sup>st</sup> PODs, No. 1, under Section 366.093(3)(d), F.S. Per the Statute, propriety of confidential business information includes, but is not limited to; Subsection (d) "[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms."

The information provided in response to Staff's 1<sup>st</sup> PODs, No. 1, for which confidential treatment is being sought can be described as a fuel (commodity) price forecast which the Company obtained from third-party provider.

Staff has reviewed the documents DEF filed in response to Staff's 1<sup>st</sup> PODs, No. 1, as well as the Company's confidentiality request and additional supporting information. It is staff's opinion that the information that is the subject of this request meets the criteria for confidentiality contained in Section 366.093(3)(d), F.S.

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TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

**DATE:** December 13, 2018

**TO:** Division of Economics, Office of Primary Responsibility

**FROM:** OFFICE OF COMMISSION CLERK

**RE:** CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO: 20180149-EI DOCUMENT NO: 07378-2018

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SOURCE: Duke Energy Florida, Inc.

The above confidential material was filed along with a request for confidential classification. Please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
  - (a) Trade secrets;
  - (b) Internal auditing controls and reports of internal auditors;
  - (c) Security measures, systems, or procedures;
  - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms;
  - (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information;
  - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by Devlin Higgins  on 3/13/19, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.

## Devlin Higgins

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**From:** Triplett, Dianne <Dianne.Triplett@duke-energy.com>  
**Sent:** Wednesday, March 13, 2019 12:10 PM  
**To:** Devlin Higgins  
**Cc:** Robert Pickels; Borsch, Benjamin; Triplett, Dianne  
**Subject:** Docket 20180149 - additional explanation for confidentiality request

Devlin,

I am writing this email as additional support for a pending DEF confidentiality request in the above-referenced docket. Specifically, in its Request for Confidential Classification regarding Staff's First Set of Requests for Production and Interrogatories, DEF requested confidential classification of the name of the company that provides projections upon which DEF bases its natural gas forecast. Because DEF has disclosed both its actual fuel forecast (see Exhibit BMHB-3), as well as the NYMEX natural gas forward curves (see bates numbers 20180149-DEF-000001 through 000008), DEF must maintain the confidentiality of the name of the vendor that provided the projections. With the publicly available information that DEF has provided in a non-confidential manner, if a third party also had the vendor's name, DEF would compromise its competitive business interests and violate contractual confidentiality requirements in its contract with that vendor. This would increase the cost of doing business to the detriment of DEF and its customers.

Please let me know if you need additional information to support DEF's confidentiality request. Thanks.

Dianne Triplett  
Associate General Counsel  
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