

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: March 20, 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" or "Public Counsel"), and as grounds therefore states as follows:

1. During deposition held March 14-15, 2019, pursuant to OPC's Notice of Confidential Deposition Duces Tecum, OPC requested late-filed deposition exhibits that include confidential information and documents, including but not limited to, contract(s), mutual assistance agreement(s), vendor contracts and commitments, term sheets, and other contractual information covering certain line crew, vegetation management, and/or damage assessor contractors involved in restoration work regarding Hurricane Irma for DEF. The documents responsive to this request contain confidential contractor invoices. DEF is required to maintain the confidentiality of its contractors' confidential information, including contractor rates, contained within the 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 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 Notice of Confidential Deposition *Duces Tecum* 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 requires 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 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 Notice of Confidential Deposition *Duces Tecum* 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 20th day of March, 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 20th day of March, 2019.

/s/ Matthew R. Bernier

Attorney

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