



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

March 28, 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 First Supplemental Response to OPC's Fourth Request for Production of Documents (18-26), filed on March 7, 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 Tess Roebuck)

DEF's confidential Exhibit A (document no. 02600-2019), that accompanies the above-referenced filing was filed with DEF's Notice of Intent to Request Confidential Classification on March 7, 2019, and remains on file with the Clerk.

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/mw
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: March 28, 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 First Supplemental Response to the Office of the Public Counsel’s (“OPC”) Fourth Request for the Production of Documents (Nos. 18-26), submitted on March 7, 2019, concurrently with DEF’s Notice of Intent to Request Confidential Classification. The Request is timely. See Rule 25-22.006(3)(a)1., F.A.C. In support of this Request, DEF states:

1. The information provided in DEF’s First Supplemental Response to OPC’s Fourth Request for Production of Documents (Nos. 18-26), specifically question 18, 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 was submitted separately in a sealed envelope labeled “CONFIDENTIAL” on March 7, 2019. In the unredacted version, the information asserted to be confidential is highlighted in yellow.

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(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 First Supplemental Response to OPC’s Fourth Request for Production of Documents, Question No. 18 relates to sensitive internal review audits of contractual information 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 Tess Roebuck 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 internal review also includes pricing sheets reflecting contractual vendor costs, names of contractors, hours worked and rate of pay for 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 Tess Roebuck 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 Tess Roebuck 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 28th day of March, 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 28th day of March, 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 March 7, 2019 with DEF's First Supplemental Response to OPC's Fourth Request for Production of Documents (Nos. 18-26) are redacted in their entirety)

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's First Supplemental Response to OPC's Fourth Request for Production of Documents, question no. 18	Question 18: Bates No. 20170272-DEF-OPC-POD 4-18-0001 through 20170272-DEF-OPC-POD 4-18-001634; the excel 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 TESS ROEBUCK

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 28, 2019

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

STATE OF FLORIDA

COUNTY OF ORANGE

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

1. My name is Tess Roebuck. 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 Manager of Work Management Support in DEF's Florida Customer Delivery organization. My storm role is overseeing the invoice review process.

3. DEF is seeking confidential classification for information provided in DEF's First Supplemental Response to the Office of the Public Counsel's ("OPC") Fourth Request for Production of Documents (Nos. 18-26), question 18, filed on March 7, 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 internal review processes, the disclosure of which would impair the Company's ability to protect proprietary business information and 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 _____ day of March, 2019.

(Signature)

Tess Roebuck
Manager Work Management Support
Customer Delivery Resources and Work
Management
Duke Energy
425 E. Crown Point Road
Winter Gardens, FL 34787

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

(Signature)

(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)