



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

April 10, 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 Ninth Set of Interrogatories (Nos. 132-143), filed on March 20, 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 Jay Shawver)

DEF's confidential Exhibit A that accompanies the above-referenced filing was filed with DEF's Notice of Intent to Request Confidential Classification (document no. 03247-2019), 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: April 10, 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”) Ninth Set of Interrogatories (Nos. 132-143), filed on March 20, 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 contained in DEF’s Response to OPC’s Ninth Set of Interrogatories (Nos. 132-143), specifically questions 132 through 135, 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 20, 2019. In the unredacted versions, the information asserted to be confidential is highlighted 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 relates to confidential contractor invoices involved in the restoration work in DEF’s service territory. The disclosure of which would impair the Company’s ability to contract on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Jay Shawver at ¶ 4. Furthermore, the information at issue contains confidential proprietary information, including contractor rates. The disclosure of this information could adversely affect the Company’s ability to secure required resources during a storm response event, which would impact the company’s competitive interests and ultimately have a detrimental impact on DEF’s customers. *See* § 366.093(3)(e), F.S.; Affidavit of Jay Shawver at ¶ 4. 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. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Jay Shawver at ¶ 5. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. *See* Affidavit of Jay Shawver at ¶ 5.

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 10th day of April, 2019.

s/Matthew R. Bernier

DIANNE M. TRIPLETT
Deputy General Counsel
Duke Energy Florida, LLC
299 First Avenue North
St. Petersburg, FL 33701
T: 727.820.4692
F: 727.820.5041
E: Dianne.Triplett@duke-energy.com

MATTHEW R. BERNIER
Associate General Counsel
Duke Energy Florida, LLC
106 East College Avenue
Suite 800
Tallahassee, Florida 32301
T: 850.521.1428
F: 727.820.5041
E: Matthew.Bernier@duke-energy.com

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 10th day of April, 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>
---	---

Exhibit A

“CONFIDENTIAL”

(submitted on March 20, 2019 with DEF’s Notice of Intent to
Request Confidential Classification)

Exhibit B

REDACTED

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 RESPONSE TO CITIZENS' NINTH SET OF INTERROGATORIES (NOS. 132-143)

Duke Energy Florida, LLC ("DEF") incorporates the objections filed contemporaneous with this response and responds to the Citizens of the State of Florida, through the Office of the Public Counsel's ("Citizens" or "OPC") Ninth Set of Interrogatories to DEF (Nos. 132-143) as follows:

REDACTED
INTERROGATORIES

[For the responses to interrogatories 132-135, the OPC requests that you please insert into the questions and answers the withheld information that you have been made aware of in prior correspondence and the referenced documents prior to the service of the official request (and file under Request for Confidentiality- if required)].

132. Refer to Document 20170272-DEF-OPC POD 1-6-0018397 provided in response to 2nd Supplemental Response to OPCs 1st PODS 1-10 Q-6 Distribution pt 2, located in the 17-Irma folder, [REDACTED] folder. The document states [REDACTED]
[REDACTED]

- a) Was the Company aware of the requirement of [REDACTED] for emergency storm work prior to the storm? If not, why not?
- b) Is the Company aware of any other union requirements, not referred to in this email, regarding [REDACTED] relating to the payment of hours, expense, etc.? If so, please summarize.

Answer:

- a) Yes, this has been a part of the [REDACTED] contract for several years. [REDACTED] uses this with all utilities.
- b) Duke Energy is not aware of other union requirements.

133. Refer to page Document 20170272-DEF-OPC POD 1-6-0006773 provided in response to 2nd Supplemental Response to OPCs 1st PODS 1-10 Q-6 Distribution pt 2, located in the 16- Hermine folder, [REDACTED] folder. The document states [REDACTED]

- [REDACTED]
- a) Is it typical that the Company would allow for this withheld circumstance described herein above?
 - b) Please provide all instances of such billing included in the filing.

Answer:

- a) DEF does allow for this in certain cases. The Company often proposes [REDACTED]. In the wake of major storms, Duke Energy endeavors, to the best of its ability, to provide adequate lodging for the contractor workforce such that this is not typical. Often, hotels are either closed or oversaturated in the wake of a major storm, so this may not always be possible but this is the intent.
- b) The storm invoices are submitted through paper (CAPS) process and are audited by hand. As such, a summary is not available without extensive research and time to compile.


134. Refer to Document 20170272-DEF-OPC POD 1-6-0006773 provided in response to 2nd Supplemental Response to OPCs 1st PODS 1-10 Q-6 Distribution pt 2, located in the 16-Hermine folder, [REDACTED] folder. The document states [REDACTED]

- a) Is this standard Company procedure to allow for the [REDACTED] instead of another amount of time?
- b) Why was the [above herein withheld term] permitted when 20170272-DEF-OPC POD 1-6-0006772 states that a normal day is considered to be the [REDACTED]?

Answer:

- a) It is standard operating procedure in the wake of a major storm. Contractors and Duke Energy resources alike frequently work extended hours post-storm.
- b) A normal (e.g., "blue sky") workday is a [REDACTED] workday. Processes are different in the wake of major storms. The [REDACTED] in a storm context would exemplify this. Other examples would include pricing sheets, the process of negotiating terms and conditions, etc.

135. Refer to Document 20170272-DEF-OPC POD 1-6-0006773 provided in response to 2nd Supplemental Response to OPCs 1st PODS 1-10 Q-6 Distribution pt 2, located in the 16-Hermine folder, [REDACTED] folder. The document states [REDACTED]



a) Please provide all instances of such billing included in the filing.

Answer:

Please see response to 133-b.) above.

136. In the documents ranging from 20170272-DEF-OPC POD 1-6-0041450-41505, by way of example, please explain why DEF is paying for food receipts related to a logistics firm in Cary, North Carolina and Apex, North Carolina from September 3 through September 29, 2017?

Answer:

The logistics firm in question is located in Apex, NC; approximately 7 miles from Cary, NC. All food receipts for this location are for its resources working in the logistics firm's Support Centers. The dates range from 9/3/17 to 9/27/17 to support mobilization, restoration, and demobilization activities.

137. See POD 1-6-0041493, POD 1-6-0041506 through POD 1-6-004510. Please explain why DEF is paying for hotel rooms in Apex, North Carolina from September 6 to October 27, 2017?

Answer:

All hotel receipts for this location are for lodging the logistics firm's resources working in its Support Centers. The dates range from 9/6/17 to 10/27/17 to support mobilization, restoration, and demobilization activities. The firm's resources work following demobilization of sites to handle equipment returns and inventory, administrative activities, and invoice closeouts.

138. See POD 1-6-041492. Please explain why DEF is paying for a hotel in Cary, North Carolina from September 26 to October 3, 2017?

Answer:

Cary, NC is approximately 7 miles away from the logistics firm's Support Center in Apex, NC. These hotel receipts are for the logistics firm's resources working in the firm's Support Centers. The dates range from 9/26/17 to 10/03/17 to support demobilization activities such as inventory, administrative and invoice closeouts.

139. See POD 1-6-0041460. Why is DEF paying for a gas receipt in Labelle, FL on 9/5/17?

Answer:

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 RESPONSE TO
CITIZENS' NINTH SET OF INTERROGATORIES (NOS. 132-143)**

Duke Energy Florida, LLC ("DEF") incorporates the objections filed contemporaneous with this response and responds to the Citizens of the State of Florida, through the Office of the Public Counsel's ("Citizens" or "OPC") Ninth Set of Interrogatories to DEF (Nos. 132-143) as follows:

REDACTED
INTERROGATORIES

[For the responses to interrogatories 132-135, the OPC requests that you please insert into the questions and answers the withheld information that you have been made aware of in prior correspondence and the referenced documents prior to the service of the official request (and file under Request for Confidentiality- if required)].

132. Refer to Document 20170272-DEF-OPC POD 1-6-0018397 provided in response to 2nd Supplemental Response to OPCs 1st PODS 1-10 Q-6 Distribution pt 2, located in the 17-Irma folder, [REDACTED] folder. The document states [REDACTED]
[REDACTED]

- a) Was the Company aware of the requirement of [REDACTED] for emergency storm work prior to the storm? If not, why not?
- b) Is the Company aware of any other union requirements, not referred to in this email, regarding [REDACTED] relating to the payment of hours, expense, etc.? If so, please summarize.

Answer:

- a) Yes, this has been a part of the [REDACTED] contract for several years. [REDACTED] uses this with all utilities.
- b) Duke Energy is not aware of other union requirements.

133. Refer to page Document 20170272-DEF-OPC POD 1-6-0006773 provided in response to 2nd Supplemental Response to OPCs 1st PODS 1-10 Q-6 Distribution pt 2, located in the 16- Hermine folder, [REDACTED] folder. The document states [REDACTED]

- [REDACTED]
- a) Is it typical that the Company would allow for this withheld circumstance described herein above?
 - b) Please provide all instances of such billing included in the filing.

Answer:

- a) DEF does allow for this in certain cases. The Company often proposes [REDACTED]. In the wake of major storms, Duke Energy endeavors, to the best of its ability, to provide adequate lodging for the contractor workforce such that this is not typical. Often, hotels are either closed or oversaturated in the wake of a major storm, so this may not always be possible but this is the intent.
- b) The storm invoices are submitted through paper (CAPS) process and are audited by hand. As such, a summary is not available without extensive research and time to compile.


134. Refer to Document 20170272-DEF-OPC POD 1-6-0006773 provided in response to 2nd Supplemental Response to OPCs 1st PODS 1-10 Q-6 Distribution pt 2, located in the 16-Hermine folder, [REDACTED] folder. The document states [REDACTED]

- a) Is this standard Company procedure to allow for the [REDACTED] instead of another amount of time?
- b) Why was the [above herein withheld term] permitted when 20170272-DEF-OPC POD 1-6-0006772 states that a normal day is considered to be the [REDACTED]?

Answer:

- a) It is standard operating procedure in the wake of a major storm. Contractors and Duke Energy resources alike frequently work extended hours post-storm.
- b) A normal (e.g., "blue sky") workday is a [REDACTED] workday. Processes are different in the wake of major storms. The [REDACTED] in a storm context would exemplify this. Other examples would include pricing sheets, the process of negotiating terms and conditions, etc.

135. Refer to Document 20170272-DEF-OPC POD 1-6-0006773 provided in response to 2nd Supplemental Response to OPCs 1st PODS 1-10 Q-6 Distribution pt 2, located in the 16-Hermine folder, [REDACTED] folder. The document states [REDACTED]



a) Please provide all instances of such billing included in the filing.

Answer:

Please see response to 133-b.) above.

136. In the documents ranging from 20170272-DEF-OPC POD 1-6-0041450-41505, by way of example, please explain why DEF is paying for food receipts related to a logistics firm in Cary, North Carolina and Apex, North Carolina from September 3 through September 29, 2017?

Answer:

The logistics firm in question is located in Apex, NC; approximately 7 miles from Cary, NC. All food receipts for this location are for its resources working in the logistics firm's Support Centers. The dates range from 9/3/17 to 9/27/17 to support mobilization, restoration, and demobilization activities.

137. See POD 1-6-0041493, POD 1-6-0041506 through POD 1-6-004510. Please explain why DEF is paying for hotel rooms in Apex, North Carolina from September 6 to October 27, 2017?

Answer:

All hotel receipts for this location are for lodging the logistics firm's resources working in its Support Centers. The dates range from 9/6/17 to 10/27/17 to support mobilization, restoration, and demobilization activities. The firm's resources work following demobilization of sites to handle equipment returns and inventory, administrative activities, and invoice closeouts.

138. See POD 1-6-041492. Please explain why DEF is paying for a hotel in Cary, North Carolina from September 26 to October 3, 2017?

Answer:

Cary, NC is approximately 7 miles away from the logistics firm's Support Center in Apex, NC. These hotel receipts are for the logistics firm's resources working in the firm's Support Centers. The dates range from 9/26/17 to 10/03/17 to support demobilization activities such as inventory, administrative and invoice closeouts.

139. See POD 1-6-0041460. Why is DEF paying for a gas receipt in Labelle, FL on 9/5/17?

Answer:

**DUKE ENERGY FLORIDA
Confidentiality Justification Matrix**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Response to OPC's Ninth Set of Interrogatories (Nos. 132-143)	<p>Question 132 Question-the information after "Irma folder" and before "folder" and after "states" to the remainder of the sentence; subpart "a", after "requirement of" and before "for emergency"; and the information in subpart "b" after "regarding and before "relating" is confidential.</p> <p>Question 132 Answer: subpart "a"-the information after "of the" and before "contract", after "years" and before "uses" is confidential.</p>	<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 business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Response to OPC's Ninth Set of Interrogatories (Nos. 132-143)	<p>Question 133 Question-the information after "Hermine folder" and before "folder" and after "states" to the remainder of the sentence is confidential.</p> <p>Question 133 Answer: subpart "a"-the information after "proposes" and before "In the wake" is confidential.</p>	<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 business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF's Response to OPC's Ninth Set of Interrogatories (Nos. 132-143)</p>	<p>Question 134 Question-the information after "Hermine folder" and before "folder" and after "states" to the remainder of the sentence; subpart "a", the information after "the" and before "instead"; subpart "b", the information after "the and before "?" is confidential.</p> <p>Question 134 Answer: subpart "b"-the information after "is a" and before "workday" and the information after "The" and before "in a storm" is confidential.</p>	<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 business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF's Response to OPC's Ninth Set of Interrogatories (Nos. 132-143)</p>	<p>Question 135 Question-the information after "Hermine folder" and before "folder" and after "states" to the remainder of the sentence is confidential.</p>	<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 business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

Exhibit D

AFFIDAVIT OF JAY SHAWVER

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: April 10, 2019

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

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Jay Shawver. 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 Director of Sourcing in DEF's Procurement Department. During the 2017 storms, I assisted with obtaining contracts for Transmission and Distribution.

3. DEF is seeking confidential classification for information provided in DEF's Response to the Office of the Public Counsel's ("OPC") Ninth Set of Interrogatories (Nos. 132-143), filed on March 20, 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. The disclosure would also 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 10 day of April, 2019.



(Signature)

Jay Shawver
Director-Sourcing
Procurement-Transmission/Distribution
Duke Energy
526 South Church
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 10 day of April 2019 by Jay Shawver. He is personally known to me or has produced his NC driver's license, or his _____ as identification.



(Signature)

Claire Clark

(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF _____

10-22-2021

(Commission Expiration Date)

20012880168

(Serial Number, If Any)

