

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-

DATE: September 26, 2019
TO: Susan Brownless, Special Counsel, Office of the General Counsel
FROM: Devlin Higgins, Public Utility Analyst IV, Division of Accounting & Finance
RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO: 20190001-EI DOCUMENT NO: 07512-2019

DESCRIPTION: Duke Energy (Bernier) - (CONFIDENTIAL) Documents contained in corrected response to Citizens' 3rd set of interrogatories (Nos. 16-17), specifically question 16; and 3rd request for PODs (Nos. 30-33), specifically question 30.

SOURCE: Duke Energy Florida

2019 SEP 26 PM 3:09
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COMMISSION CLERK

Pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code, Duke Energy Florida (DEF or Company) requests confidential classification of certain information filed in the above referenced docket, dated August 12, 2019.

The Company is claiming confidentiality of information provided in response to Citizens' Third Set of Interrogatories (Nos. 16-17), specifically No. 16 and in response to Citizens' Third Request for Production of Documents (Nos. 30-33), specifically No. 30, under Section 366.093(3)(d), F.S., and Section 366.093(3)(e), 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," and Subsection (e) "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

Specifically, the information at issue is DEF's review of the proposals received in response to an RFP. DEF's review includes information received from each of the responding vendors, as well as DEF's analysis thereof. DEF claims public release of this information would harm the competitive interests of the Company its customers interests by providing insight into DEF's evaluation of proposals, but would also harm the competitive interest of the third parties providing this information.

Staff has reviewed DEF's discovery responses as well as the Company's confidentiality request. It is staff's opinion that the information subject to this request meets the criteria for confidentiality contained in Section 366.093(3)(d), F.S., and Section 366.093(3)(e), F.S.



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

DATE: September 25, 2019

TO: Division of Accounting and Finance, Office of Primary Responsibility

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NOS: 20190001-EI DOCUMENT NO: 07512-2019

DESCRIPTION: Duke Energy (Bernier) - (CONFIDENTIAL) Documents contained in corrected response to Citizens' 3rd set of interrogatories (Nos. 16-17), specifically question 16; and 3rd request for PODs (Nos. 30-33), specifically question 30.

SOURCE: Duke Energy Florida, LLC

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 9/26/19, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.