

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:** October 1, 2019

**TO:** Suzanne S. 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: 09061-2019  
 DESCRIPTION: Duke Energy (Bernier) - (CONFIDENTIAL) Information  
contained in rebuttal testimony of Jeffrey Swartz and Exhs JS-2 through JS-4, Exh  
A [to request for confidential classification (DN 09058-2019)].

SOURCE: Duke Energy Florida

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 September 26, 2019.

The Company is claiming confidentiality of witness testimony 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.”

More specifically, the information at issue relates to claimed proprietary third-party technical information regarding component design and operation parameters of certain equipment at Plant Bartow. DEF asserts that if it cannot demonstrate to its OEM/third-party equipment manufactures that the Company has the ability to protect those third-parties’ confidential and proprietary business information, third-parties will be less likely to provide that information to DEF.

Staff has reviewed DEF’s testimony 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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TALLAHASSEE, FLORIDA 32399-0850

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

**DATE:** September 26, 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: 09061-2019

DESCRIPTION: Duke Energy (Bernier) - (CONFIDENTIAL) Information contained in rebuttal testimony of Jeffrey Swartz and Exhs JS-2 through JS-4, Exh A [to request for confidential classification (DN 09058-2019)].

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 10/1/19, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.