


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 28, 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: 09533-2019, 02031-2018

DESCRIPTION: Duke Energy (Bernier) - (CONFIDENTIAL) Revised Exh A [to request for extension of confidential classification concerning information contained in the direct testimony and Exh JS-1 of Jeffrey Swartz; and Exh CAM-2T and CAM-3T to the direct testimony of Christopher A. Menendez]. [x-ref DN 02031-2019]

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 an extension of the confidential classification of certain information filed in the above referenced docket in March of 2018. On March 2, 2018, DEF filed a request for confidential classification for certain information provided in the direct testimonies of Company witnesses Jeffrey Swartz and Christopher A. Menendez. The Company's request was granted on April 23, 2018, by Order No. PSC-2018-0198-CFO-EI. The period of confidential treatment granted by that order will expire on October 23, 2019. DEF claims that some of the information continues to warrant treatment as "proprietary confidential business information" within the meaning of Section 366.093(3), F.S. Accordingly, DEF filed this Request for Extension of Confidential Classification.

The Company is claiming confidentiality of its information 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 contractual cost data, third-party proprietary information, and competitively negotiated data.

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Staff has reviewed the subject information 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: October 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: 09533-2019, 02031-2019

DESCRIPTION: Duke Energy (Bernier) - (CONFIDENTIAL) Revised Exh A [to request for extension of confidential classification concerning information contained in the direct testimony and Exh JS-1 of Jeffrey Swartz; and Exh CAM-2T and CAM-3T to the direct testimony of Christopher A. Menendez]. [x-ref DN 02031-2019]

SOURCE: Duke Energy Florida, LLC

The above confidential material was filed along with a request for extension of 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 10/28/19, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.