



DANIEL HERNANDEZ  
PARTNER  
Shutts & Bowen LLP  
4301 W. Boy Scout Boulevard  
Suite 300  
Tampa, Florida 33607  
DIRECT (813) 227-8114  
FAX (813) 227-8214  
EMAIL DHernandez@shutts.com

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January 16, 2020

**VIA ELECTRONIC FILING**

Mr. Adam Teitzman, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

In re: Petition by Duke Energy Florida, LLC to Approve Transaction with Accelerated Decommissioning Partners, LLC for Accelerated Decommissioning Services at the CR3 Facility, etc.  
Docket No. 20190140-EI

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC (“DEF”), DEF’s Fourth Request for Confidential Classification filed in connection with the information contained within the document produced by DEF with its supplemental responses to interrogatory numbers 43, 48, 50 and 51 of Staff’s Fifth Set of Interrogatories (Nos. 41-53). This filing includes the following:

- DEF’s Fourth Request for Confidential Classification;
- Slipsheet for confidential Exhibit A;
- Redacted Exhibit B (two copies);
- Exhibit C (justification matrix); and
- Exhibit D (affidavit of Terry Hobbs).

DEF’s confidential Exhibit A that accompanies the above-referenced filing has been submitted under separate cover.

Thank you for your assistance in this matter. Please feel free to call me at (813) 227-8114 should you have any questions concerning this filing.

Respectfully,

Shutts & Bowen LLP

Daniel Hernandez

Enclosure (as noted)

TPADOCs 22921554 1

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Petition by Duke Energy Florida, LLC to Approve Transaction with Accelerated Decommissioning Partners, LLC for Accelerated Decommissioning Services at the CR3 Facility, Transfer of Title to Spent Fuel, and Assumption of Operations of the CR3 Facility Pursuant to the NRC License, and Request for Waiver From Future Application of Rule 25-6.04365, F.A.C. for Nuclear Decommissioning Study

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DOCKET NO.: 20190140-EI

Submitted for Filing: January 16, 2020

**DUKE ENERGY FLORIDA, LLC'S FOURTH  
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 Fourth Request for Confidential Classification (the “Request”) for certain information contained within the document being produced by DEF with its supplemental responses to interrogatory numbers 43, 48, 50 and 51 of Staff’s Fifth Set of Interrogatories (Nos. 41-53) served on December 5, 2019. In support of this Request, DEF states:

1. Portions of the information contained within the document being produced by DEF with its supplemental responses to interrogatory numbers 43, 48, 50 and 51 of Staff’s Fifth Set of Interrogatories (Nos. 41-53) are “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this Request:

(a) Sealed **Exhibit A** is a package containing an unredacted copy of the information contained within the document being produced by DEF with its supplemental responses to interrogatory numbers 43, 48, 50 and 51 of Staff’s Fifth Set of Interrogatories (Nos.

41-53), for which DEF seeks confidential treatment. **Exhibit A** is being submitted separately in a sealed envelope labeled “CONFIDENTIAL.” In the unredacted copy, the information asserted to be confidential is highlighted in yellow.

(b) **Composite Exhibit B** is two copies of the redacted information contained within the document being produced by DEF with its supplemental responses to interrogatory numbers 43, 48, 50 and 51 of Staff’s Fifth Set of Interrogatories (Nos. 41-53), 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 the page and specific portions of the information contained within the document being produced by DEF with its supplemental responses to interrogatory numbers 43, 48, 50 and 51 of Staff’s Fifth Set of Interrogatories (Nos. 41-53), 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 the 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 contained within the document being produced by DEF with its supplemental responses to interrogatory numbers 43, 48, 50 and 51 of Staff’s Fifth Set of Interrogatories (Nos. 41-53), relates to commercially sensitive confidential information concerning contractual business information and obligations under a contract between DEF, ADP CR3, LLC, and ADP SF1, LLC for decommissioning activities related to the accelerated

decommissioning of the DEF Crystal River Unit 3 Nuclear Plant (the “CR3 Facility”), the disclosure of which would not only impair the Company’s competitive business advantages, but would also violate contractual requirements to maintain the confidentiality of such information under the subject contract. DEF is obligated to maintain the confidentiality of this information under the subject contract, and therefore it qualifies for confidential classification. *See* §§ 366.093(3)(d) and (e), F.S.; Affidavit of Terry Hobbs at ¶¶ 5 and 6. If DEF cannot assure contracting parties that it can maintain the confidentiality of contractual terms, those parties and other similarly situated parties may forego entering contracts with DEF, which would impair the ability of the Company to negotiate contracts on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Terry Hobbs at ¶ 6. 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 Terry Hobbs at ¶¶ 7 and 8. The information has not been disclosed to the public and the Company has treated and continues to treat the information at issue in this Request 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 eighteen (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 Fourth Request for Confidential Classification be granted.

DATED this 16<sup>th</sup> day of January, 2020.

Respectfully submitted,



**DANIEL HERNANDEZ**

Florida Bar No. 176834

**NICOLE ZAWORSKA**

Florida Bar No. 1003564

Shutts & Bowen LLP

4301 W. Boy Scout Blvd., Suite 300

Tampa, Florida 33607

P: 813- 229-8900

F: 813-229-8901

Email: [dhernandez@shutts.com](mailto:dhernandez@shutts.com)

[nzaworska@shutts.com](mailto:nzaworska@shutts.com)

[DEF-CR3@shutts.com](mailto:DEF-CR3@shutts.com)

**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

Email: [Dianne.Triplett@duke-energy.com](mailto:Dianne.Triplett@duke-energy.com)

[FLRegulatoryLegal@duke-energy.com](mailto:FLRegulatoryLegal@duke-energy.com)

**MATTHEW R. BERNIER**

Associate General Counsel

Duke Energy Florida, LLC

106 East College Avenue, Suite 800

Tallahassee, Florida 32301

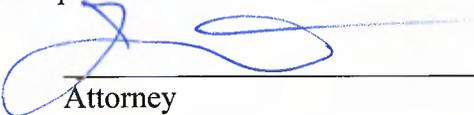
T: 850-521-1428

F: 727-820-5519

Email: [Matthew.Bernier@duke-energy.com](mailto:Matthew.Bernier@duke-energy.com)

**Duke Energy Florida, LLC**  
**Docket No.: 20190140-EI**  
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 16<sup>th</sup> day of January, 2020, to all parties of record as indicated below.

  
\_\_\_\_\_  
Attorney

<p>Suzanne Brownless Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:sbrownle@psc.state.fl.us">sbrownle@psc.state.fl.us</a></p>	<p>J. R. Kelly / Charles J. Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399 <a href="mailto:kelly.jr@leg.state.fl.us">kelly.jr@leg.state.fl.us</a> <a href="mailto:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a></p>
<p>Jon C. Moyle, Jr. Karen A. Putnal Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a> <a href="mailto:kputnal@moylelaw.com">kputnal@moylelaw.com</a></p>	

TPADOCS 22869445 2

# **Exhibit A**

**“CONFIDENTIAL”**

(submitted under separate cover)

# **Exhibit B**

**REDACTED**

**(two copies)**

# REDACTED

Period	2013 TLG SAFSTOR Cost (thousands of dollars)			(2) CPI 2019 Escalation	2019 ADP Pay Item Schedule	DIFF
	License Termination	Site Restoration	Total			
				10.09%		
Site Reactivation & Decommissioning Prep (1)	\$ 77,778	\$ 667	\$ 78,445	\$ 86,359		
4.a Large Component Removal	170,798	2,356	\$ 173,154	\$ 190,622		
4.b Plant Systems Removal and Building Remediation	155,222	1,397	\$ 156,619	\$ 172,419		
4.f License Termination	25,926	-	\$ 25,926	\$ 28,541		
5.b Site Restoration	219	47,424	\$ 47,643	\$ 52,450		
	\$ 429,943	\$ 51,844	\$ 481,787	\$ 530,391		

**(2) CPI per Year (table attached)**

2014	0.80%	\$ 485,641
2015	0.70%	\$ 489,040
2016	2.10%	\$ 499,310
2017	2.10%	\$ 509,796
2018	1.90%	\$ 519,482
2019	2.10%	\$ 530,391

Period	2017 TLG SAFSTOR Cost (thousands of dollars)			(2) CPI 2019 Escalation	2019 ADP Pay Item Schedule	DIFF
	License Termination	Site Restoration	Total			
				4.04%		
Site Reactivation & Decommissioning Prep (1)	\$ 75,036	\$ 699	\$ 75,735	\$ 78,795		
4.a Large Component Removal	203,367	2,552	\$ 205,919	\$ 214,238		
4.b Plant Systems Removal and Building Remediation	165,021	1,615	\$ 166,636	\$ 173,368		
4.f License Termination	28,278	-	\$ 28,278	\$ 29,420		
5.b Site Restoration	229	45,690	\$ 45,919	\$ 47,774		
	\$ 471,931	\$ 50,556	\$ 522,487	\$ 543,595		

**(2) CPI per Year (table attached)**

2018	1.90%	\$ 532,414
2019	2.10%	\$ 543,595

**Notes**

- (1) For comparison purposes TLG periods 3.a & b. were combined to mirror the ADP Pay Item Schedule.
- (2) CPI escalation is provided using an annual and compounded rate basis to demonstrate the results are identical regardless of method.

# REDACTED

Period	2013 TLG SAFSTOR Cost (thousands of dollars)			(2) CPI 2019 Escalation	2019 ADP Pay Item Schedule	DIFF
	License Termination	Site Restoration	Total			
				10.09%		
3.a & b. Site Reactivation & Decommissioning Prep (1)	\$ 77,778	\$ 667	\$ 78,445	\$ 86,359		
4.a. Large Component Removal	170,798	2,356	\$ 173,154	\$ 190,622		
4.b. Plant Systems Removal and Building Remediation	155,222	1,397	\$ 156,619	\$ 172,419		
4.f. License Termination	25,926	-	\$ 25,926	\$ 28,541		
5.b. Site Restoration	219	47,424	\$ 47,643	\$ 52,450		
	\$ 429,943	\$ 51,844	\$ 481,787	\$ 530,391		

**(2) CPI per Year (table attached)**

2014	0.80%	\$ 485,641
2015	0.70%	\$ 489,040
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2017	2.10%	\$ 509,796
2018	1.90%	\$ 519,482
2019	2.10%	\$ 530,391

Period	2017 TLG SAFSTOR Cost (thousands of dollars)			(2) CPI 2019 Escalation	2019 ADP Pay Item Schedule	DIFF
	License Termination	Site Restoration	Total			
				4.04%		
3.a & b. Site Reactivation & Decommissioning Prep (1)	\$ 75,036	\$ 699	\$ 75,735	\$ 78,795		
4.a. Large Component Removal	203,367	2,552	\$ 205,919	\$ 214,238		
4.b. Plant Systems Removal and Building Remediation	165,021	1,615	\$ 166,636	\$ 173,368		
4.f. License Termination	28,278	-	\$ 28,278	\$ 29,420		
5.b. Site Restoration	229	45,690	\$ 45,919	\$ 47,774		
	\$ 471,931	\$ 50,556	\$ 522,487	\$ 543,595		

**(2) CPI per Year (table attached)**

2018	1.90%	\$ 532,414
2019	2.10%	\$ 543,595

**Notes**

- (1) For comparison purposes TLG periods 3.a & b. were combined to mirror the ADP Pay Item Schedule.
- (2) CPI escalation is provided using an annual and compounded rate basis to demonstrate the results are identical regardless of method.

**DUKE ENERGY FLORIDA, LLC  
Confidentiality Justification Matrix**

<b>DOCUMENT/RESPONSES</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
<p><b>DEF’s Supplemental Responses to Staff’s Fifth Set of Interrogatories (Nos. 41-53); specifically, interrogatories 43, 48, 50, and 51</b></p>	<p>Supplemental response to Interrogatory No. 48 – document bearing bates number <b>DEF SUPP RESP STAFF 5TH ROG – 000347</b>:</p> <p>All information under the two columns titled “2019 ADP Pay Item Schedule” is confidential.</p> <p>All information under the two columns titled “DIFF” 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, the disclosure of which would impair DEF’s competitive interests, the disclosure would impair the competitive business.</p>

# **Exhibit D**

## **AFFIDAVIT OF TERRY HOBBS**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Petition by Duke Energy Florida, LLC to Approve Transaction with Accelerated Decommissioning Partners, LLC for Accelerated Decommissioning Services at the CR3 Facility, Transfer of Title to Spent Fuel, and Assumption of Operations of the CR3 Facility Pursuant to the NRC License, and Request for Waiver From Future Application of Rule 25-6.04365, F.A.C. for Nuclear Decommissioning Study

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DOCKET NO.: 20190140-EI

Submitted for Filing: January 16, 2020

**AFFIDAVIT OF TERRY HOBBS IN SUPPORT OF  
DUKE ENERGY FLORIDA, LLC'S FOURTH  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF CITRUS

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

1. My name is Terry Hobbs. I am over the age of eighteen (18) and I have been authorized by Duke Energy Florida, LLC (hereinafter "DEF" or "Company") to give this affidavit in the above-styled proceeding on DEF's behalf and in support of DEF's Fourth Request for Confidential Classification ("DEF's Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the General Manager for the Decommissioning of the DEF Crystal River Unit 3 Nuclear Plant (the "CR3 Facility").

3. As the General Manager, I am responsible for the overall management, implementation, and coordination of activities to place the CR3 Facility in a long-term dormant condition commonly referred to as a "SAFSTOR" condition. I am also responsible for ensuring

the safe storage of the used nuclear fuel at the CR3 Facility. Additionally, I oversee several managers and I ensure that such managers implement the plant programs, including the ground water monitoring, radiation, control and engineering programs, in an effective and efficient manner.

4. DEF is seeking the confidential classification for certain information contained within the document being produced by DEF with its supplemental responses to interrogatory numbers 43, 48, 50 and 51 of Staff's Fifth Set of Interrogatories (Nos. 41-53) served on December 5, 2019. The confidential information at issue is contained in confidential Exhibit A to DEF's Request and is outlined in DEF's Justification Matrix attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains competitively sensitive confidential information concerning contractual business information and obligations under a contract, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.

5. The confidential information at issue relates to commercially sensitive confidential information concerning contractual business information and obligations under a contract between DEF, ADP CR3, LLC and ADP SF1, LLC for decommissioning activities related to the accelerated decommissioning of the CR3 Facility. The disclosure of such information would not only impair the Company's competitive business advantages, but would also violate DEF's contractual requirements to maintain the confidentiality of such information under the subject contract. Therefore, the confidential information at issue qualifies for confidential classification.

6. DEF is obligated to maintain the confidentiality of certain contractual terms under the subject contract. If DEF cannot assure contracting parties that it can maintain the

confidentiality of contractual terms, those parties and other similarly situated parties may forego entering contracts with DEF, which would impair the Company to negotiate such contracts on favorable terms.

7. The information identified as Exhibit A is intended to be and is treated as confidential by the Company. With respect to the information at issue in DEF's Request, such information has not been disclosed to the public, and the Company has treated and continues to treat such information as confidential.

8. Upon receipt of its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including restricting access to those persons who need the information to assist the Company, and restricting the number of, and access to the information and contracts. 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.

9. This concludes my affidavit.

FURTHER AFFIANT SAYETH NOT.

*[Signature Page to Follow]*

Dated the 15 day of January, 2020.

*Terry Hobbs*

Terry Hobbs  
Duke Energy Crystal River, Unit 3  
Nuclear Plant  
15760 W. Power Line St.  
Crystal River, FL 34428

The foregoing instrument was sworn to and subscribed before me this 15 day of January, 2020, by Terry Hobbs. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, \_\_\_\_\_ or his \_\_\_\_\_ as identification.

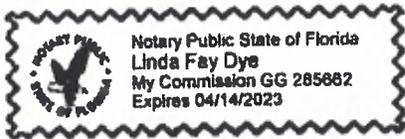
*Linda Fay Dye*

Signature

Linda Fay Dye

Printed Name

(AFFIX NOTARY SEAL)



NOTARY PUBLIC, STATE OF FL

04/14/2023

Commission Expiration Date