



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

April 15, 2020

**VIA ELECTRONIC FILING**

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

Re: *Fuel and purchased power cost recovery clause with generating performance incentive factor; Docket No. 20200001-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC (“DEF”), DEF’s Request for Extension of Confidential Classification concerning certain information contained in the 2018 Hedging Activities Audit, *Audit Control No. 2018-058-2-1*, filed in docket no. 20180001-EI and Revised Exhibit D, Affidavit of James McClay (unverified). The original Request included Exhibits A, B, and C.

There are no changes to the original Request’s Exhibit A consisting of the confidential unredacted documents, Exhibit B containing two (2) redacted copies of the confidential document, or Exhibit C containing a justification table in support of DEF’s original Request. The aforementioned exhibits remain 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*

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Matthew R. Bernier  
Associate General Counsel  
[Matt.Bernier@duke-energy.com](mailto:Matt.Bernier@duke-energy.com)

MRB/mw  
Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Fuel and purchased power cost  
recovery clause with generating  
performance incentive factor.

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Docket No. 20200001-EI

Dated: April 15, 2020

**DUKE ENERGY FLORIDA LLC'S  
REQUEST FOR EXTENSION OF 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 its First Request for Extension of Confidential Classification (“Request”) for certain information contained in Staff’s audit work papers pertaining to DEF’s 2018 Hedging Activities Audit Workpapers (*Audit Control No. 2018-058-2-1*). In support of this Request, DEF states:

1. On September 20, 2018, DEF filed a request for confidential classification of information contained in Staff’s Hedging Audit Work-papers pertaining to the 2018 Hedging Activities Audit, *Audit Control No. 2018-058-2-1* (Document No. 06164-2018), as it contains sensitive business information such as internal hedging practices and procedures, hedging volumes and transactions, hedging forecasts, percentages and pricing information.

2. DEF’s September 20, 2018 Request was granted by Order No. PSC- 2018-0508-CFO-EI on October 22, 2018. The period of confidential treatment granted by that order will expire on April 22, 2020. The information continues to warrant treatment as “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Accordingly, DEF is filing its Request for Extension of Confidential Classification.

3. DEF submits that the portions of Staff's Hedging Audit Workpapers identified in Exhibit "A" and Exhibit "C" to the September 20, 2018 Request<sup>1</sup> continue to be "proprietary confidential business information" within the meaning of section 366.093(3), F.S. and continue to require confidential classification. *See* Affidavit of James McClay III at ¶ 7, attached as Revised Exhibit "D". This information is intended to be and is treated as confidential by the Company. The information has not been disclosed to the public. Pursuant to section 366.093(1), F.S., such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the Public Records Act. *See* Affidavit of James McClay III ¶¶ 5-7.

4. Nothing has changed since the issuance of Order No. PSC-2018-0508-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Upon a finding by the Commission that this information continues to be "proprietary confidential business information," it should continue to be treated as such for an additional period of at least 18 months and should be returned to DEF as soon as the information is no longer necessary for the Commission to conduct its business. *See* §366.093(4), F.S.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this First Request for Extension of Confidential Classification be granted.

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<sup>1</sup> DEF hereby incorporates Exhibits A, B, and C to the original Request, Document No. 06164-2018 submitted on September 20, 2018 in docket no. 20180001-EI as if attached hereto

RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of April, 2020

*s/Matthew R. Bernier*

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**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)

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 15<sup>th</sup> day of April, 2020.

*s/Matthew R. Bernier*

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Attorney

<p>Suzanne Brownless Office of General Counsel FL 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. Beasley / J. Wahlen / M. Means Ausley McMullen P.O. Box 391 Tallahassee, FL 32302 <a href="mailto:jbeasley@ausley.com">jbeasley@ausley.com</a> <a href="mailto:jwahlen@ausley.com">jwahlen@ausley.com</a> <a href="mailto:mmeans@ausley.com">mmeans@ausley.com</a></p> <p>Russell A. Badders Gulf Power Company One Energy Place, Bin 100 Pensacola, FL 32520-0100 <a href="mailto:russell.badders@nexteraenergy.com">russell.badders@nexteraenergy.com</a></p> <p>Kenneth A. Hoffman Florida Power &amp; Light Company 134 W. Jefferson Street Tallahassee, FL 32301-1713 <a href="mailto:ken_hoffman@fpl.com">ken_hoffman@fpl.com</a></p> <p>Jon C. Moyle, Jr. 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:mqualls@moylelaw.com">mqualls@moylelaw.com</a></p>	<p>J.R. Kelly / T. David Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 <a href="mailto:kelly.jr@leg.state.fl.us">kelly.jr@leg.state.fl.us</a> <a href="mailto:david.tad@leg.state.fl.us">david.tad@leg.state.fl.us</a></p> <p>Paula K. Brown Regulatory Affairs Tampa Electric Company P.O. Box 111 Tampa, FL 33601-0111 <a href="mailto:regdept@tecoenergy.com">regdept@tecoenergy.com</a></p> <p>Maria Moncada / David Lee Florida Power &amp; Light Company 700 Universe Blvd. (LAW/JB) Juno Beach, FL 33408-0420 <a href="mailto:maria.moncada@fpl.com">maria.moncada@fpl.com</a> <a href="mailto:david.lee@fpl.com">david.lee@fpl.com</a></p> <p>James Brew / Laura W. Baker Stone Law Firm 1025 Thomas Jefferson St., N.W. Suite 800 West Washington, DC 20007 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:lwb@smxblaw.com">lwb@smxblaw.com</a></p> <p><u>Mike Cassel</u> Florida Public Utilities Company 208 Wildlight Avenue Yulee, FL 32097 <a href="mailto:mcassel@fpuc.com">mcassel@fpuc.com</a></p> <p>Beth Keating Gunster, Yoakley &amp; Stewart, P.A. 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 <a href="mailto:bkeating@gunster.com">bkeating@gunster.com</a></p>
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# **Exhibit A**

**“CONFIDENTIAL”**

**(on file)**

# **Exhibit B**

**(on file)**

**Exhibit C**

**DUKE ENERGY FLORIDA  
Confidentiality Justification Matrix  
(On file)**



**REVISED  
EXHIBIT D**

**AFFIDAVIT OF  
JAMES MCCLAY III**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Fuel and purchased power cost  
recovery clause with generating  
performance incentive factor.

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Docket No. 20200001-EI

Dated: April 15, 2020

**AFFIDAVIT OF JAMES MCCLAY III IN SUPPORT OF  
DUKE ENERGY FLORIDA, LLC'S  
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is James McClay III. 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 Extension of Confidential Classification (Request). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Director of Trading in the Fuel Procurement Department. This section is responsible for natural gas, power, fuel oil and emission allowance activity for the Duke Energy Indiana ("DEI"), Duke Energy Kentucky ("DEK"), Duke Energy Carolinas ("DEC"), Duke Energy Progress ("DEP"), and DEF Systems.

3. As the Director of Trading, I am responsible, along with the other members of the section, for the management of the gas and oil procurement, transportation, hedging activities and administration of gas and oil contracts with various suppliers for DEI's, DEK's, DEC's, DEF's and DEP's electrical power generation facilities.

4. DEF is seeking an extension of confidential classification for certain information contained in Staff's Hedging Audit Work papers, Audit Control No. 2018-058-2-1 (document no. 06164-2018), filed on September 20, 2020 in Docket No. 20180001. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix C. The referenced Exhibits are on file with the Clerk. DEF is requesting a second extension of confidential classification of this information because it contains proprietary confidential sensitive business information, the disclosure of which would impair the Company's efforts to contract for goods or services on favorable terms.

5. DEF negotiates with potential fuel suppliers to obtain competitive contracts for fuel options that provide economic value to DEF and its customers. In order to obtain such contracts, however, DEF must be able to assure fuel suppliers that sensitive business information, volumes, and hedging costs, will be kept confidential. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed confidential contract terms such as volumes, hedging costs, and itemized hedging gains/losses. Absent such measures, suppliers would run the risk that sensitive business information that they provided in their bids/contracts with DEF would be made available to the public and, as a result, end up in possession of potential

competitors. Faced with that risk, persons or companies who otherwise would contract with DEF might decide not to do so if DEF did not keep specific information confidential. Without DEF's measures to maintain the confidentiality of sensitive terms in contracts between DEF and fuel suppliers, the Company's efforts to obtain competitive fuel supply contracts could be undermined.

6. Additionally, the disclosure of confidential information in DEF's fuel supply contracts, could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive fuel supply options that provide economic value to both DEF and its customers could be compromised by DEF's competitors changing their consumption or purchasing behavior within the relevant markets.

7. Upon receipt of confidential information from fuel suppliers, and with 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 contracts and information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
(Signature)

James McClay III  
Director – Gas Trading  
Duke Energy  
526 South Church  
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2020 by James McClay III. He is personally known to me or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

NOTARY PUBLIC, STATE OF \_\_\_\_\_

\_\_\_\_\_  
(Commission Expiration Date)

\_\_\_\_\_  
(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)