



May 13, 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 for Approval of Actual Storm Restoration Costs and Associated Recovery Process Related to Hurricane Michael and Tropical Storm Alberto*; Docket No. 20190110-EI

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Second Request for Confidential Classification filed in connection with the information contained within DEF's response to request number 18 of DEF's Response to OPC's First Set of Interrogatories (Nos. 1-39) and within the set of documents produced by DEF in response to request numbers 9, 13, 15, and 16 of DEF's Response to OPC's First Request for Production of Documents (Nos. 1-16), request numbers 4, 6, and 14 of DEF's First Supplement to DEF's Response to OPC's First Request for Production of Documents, request numbers 4, 5, 6, 7, 8, and 16 of DEF's Second Supplement to DEF's Response to OPC's First Request for Production of Documents, request number 4 of DEF's Third Supplement to DEF's Response to OPC's First Request for Production of Documents, request number 3 of DEF's Fourth Supplement to DEF's Response to OPC's First Request for Production of Documents, and request number 18 of DEF's Response to OPC's First Set of Interrogatories (Nos. 1-39).

This filing includes the following:

- DEF's Second Request for Confidential Classification;
- Slipsheet for confidential Exhibit A;
- Redacted Exhibit B (two copies);
- Exhibit C (justification matrix); and
- Composite Exhibit D (unverified affidavit of Jason Cutliffe).

DEF's confidential Exhibit A that accompanies the above-referenced filing was submitted under separate cover on April 22, 2020.

Mr. Adam Teitzman, Commission Clerk
Florida Public Service Commission
May 13, 2020
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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

/s/ Daniel Hernandez

Daniel Hernandez

Enclosure (as noted)

TPADOCS 23081541 1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Michael and Tropical Storm Alberto.

Docket No. 20190110-EI

Filed: May 13, 2020

DUKE ENERGY FLORIDA, LLC'S SECOND 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 Second Request for Confidential Classification (the “Request”) for certain information contained within DEF’s Response to OPC’s 1st Request for Production of Documents (Nos. 1-16), DEF’s First, Second, Third, and Fourth Supplement to DEF’s Response to OPC’s First Request for Production of Documents, and DEF’s Response to OPC’s First Set of Interrogatories (Nos. 1-39). In support of this Request, DEF states:

1. Portions of: DEF’s production in response to request numbers 9, 13, 15, and 16 of DEF’s Response to OPC’s First Request for Production of Documents (Nos. 1-16); DEF’s production in response to request numbers 4, 6, and 14 of DEF’s First Supplement to DEF’s Response to OPC’s First Request for Production of Documents; DEF’s production in response to request numbers 4, 5, 6, 7, 8, and 16 of DEF’s Second Supplement to DEF’s Response to OPC’s First Request for Production of Documents; DEF’s production in response to request number 4 of DEF’s Third Supplement to DEF’s Response to OPC’s First Request for Production of Documents; DEF’s production in response to request number 3 of DEF’s Fourth Supplement to DEF’s Response to OPC’s First Request for Production of Documents; and DEF’s response to

request number 18 of DEF's Response to OPC's First Set of Interrogatories (Nos. 1-39) 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 portions of: DEF's production in response to request numbers 9, 13, 15, and 16 of DEF's Response to OPC's First Request for Production of Documents (Nos. 1-16); DEF's production in response to request numbers 4, 6, and 14 of DEF's First Supplement to DEF's Response to OPC's First Request for Production of Documents; DEF's production in response to request numbers 4, 5, 6, 7, 8, and 16 of DEF's Second Supplement to DEF's Response to OPC's First Request for Production of Documents; DEF's production in response to request number 4 of DEF's Third Supplement to DEF's Response to OPC's First Request for Production of Documents; DEF's production in response to request number 3 of DEF's Fourth Supplement to DEF's Response to OPC's First Request for Production of Documents; and DEF's response to request number 18 of DEF's Response to OPC's First Set of Interrogatories (Nos. 1-39), for which DEF seeks confidential treatment. **Exhibit A** was submitted separately to the Commission Clerk on April 22, 2020, in a sealed envelope labeled "CONFIDENTIAL." In the unredacted copy, the information asserted to be confidential is stamped "CONFIDENTIAL" on two CDs which contain the confidential information.

(b) **Composite Exhibit B** is two copies of the redacted information contained within: DEF's production in response to request numbers 9, 13, 15, and 16 of DEF's Response to OPC's First Request for Production of Documents (Nos. 1-16); DEF's production in response to request numbers 4, 6, and 14 of DEF's First Supplement to DEF's Response to OPC's First Request for Production of Documents; DEF's production in response to request numbers 4, 5, 6,

7, 8, and 16 of DEF's Second Supplement to DEF's Response to OPC's First Request for Production of Documents; DEF's production in response to request number 4 of DEF's Third Supplement to DEF's Response to OPC's First Request for Production of Documents; DEF's production in response to request number 3 of DEF's Fourth Supplement to DEF's Response to OPC's First Request for Production of Documents; and DEF's response to request number 18 of DEF's Response to OPC's First Set of Interrogatories (Nos. 1-39), 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: DEF's production in response to request numbers 9, 13, 15, and 16 of DEF's Response to OPC's First Request for Production of Documents (Nos. 1-16); DEF's production in response to request numbers 4, 6, and 14 of DEF's First Supplement to DEF's Response to OPC's First Request for Production of Documents; DEF's production in response to request numbers 4, 5, 6, 7, 8, and 16 of DEF's Second Supplement to DEF's Response to OPC's First Request for Production of Documents; DEF's production in response to request number 4 of DEF's Third Supplement to DEF's Response to OPC's First Request for Production of Documents; DEF's production in response to request number 3 of DEF's Fourth Supplement to DEF's Response to OPC's First Request for Production of Documents; and DEF's response to request number 18 of DEF's Response to OPC's First Set of Interrogatories (Nos. 1-39), the information for which DEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

(d) **Exhibit D** contains an affidavit attesting to the confidential nature of the information identified in this Request.¹

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 at issue includes the Company’s internal policies and standards as well as contractual rate information. DEF must ensure that sensitive business information such as internal policies and procedures and contractual business information are kept confidential, the disclosure of which would impair the Company’s competitive business advantages. Therefore, the confidential information at issue qualifies for confidential classification. *See* §§ 366.093(3) (d), F.S.; and Affidavit of Jason Cutliffe at ¶¶ 5 and 6. Furthermore, the information at issue contains confidential proprietary information, the disclosure of which would impair the Company’s ability to protect proprietary information. *See* §§ 366.093(3)(e), F.S.; Affidavit of Jason Cutliffe at ¶ 5. 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) and (e), F.S.; Affidavit of Jason Cutliffe 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 Jason Cutliffe at ¶¶ 7 and 8. The information has

¹Due to the current circumstances with COVID-19, DEF is submitting this Second Request for Confidential Classification with an Unverified Affidavit. DEF will file the Verified Affidavit as soon as the climate allows.

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 Second Request for Confidential Classification be granted.

DATED this 13th day of May, 2020.

/s/ Daniel Hernandez
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CERTIFICATE OF SERVICE (DOCKET. NO. 20190110-EI)

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 13th day of May, 2020, to all parties of record as indicated below.

/s/ Daniel Hernandez
Attorney

<p>Ashley Weisenfeld / Rachael Dziechciarz Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 aweisenf@psc.state.fl.us rdziehc@psc.state.fl.us</p>	<p>J.R. Kelly / Charles J. Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 West Madison St., Room 812 Tallahassee, FL 32399-1400 kelly.jr@leg.state.fl.us rehwinkel.charles@leg.state.fl.us</p>
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Exhibit A

“CONFIDENTIAL”

(submitted under separate cover)

Exhibit B

REDACTED

(two copies)

**Documents bearing Bates numbers:
20190110-DEF-OPCPOD1-9-0000001 through
20190110-DEF-OPCPOD1-9-0003059**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-13-0000001 through
20190110-DEF-OPCPOD1-13-0000007**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-15-0000001 through
20190110-DEF-OPCPOD1-15-0000005**

**REDACTED
In Entirety**

**Documents bearing Bates numbers:
20190110-DEF-OPCPOD1-16-0000001 through
20190110-DEF-OPCPOD1-16-0000905**

**REDACTED
In Entirety**

**Documents bearing Bates numbers:
20190110-DEF-OPCPOD1-4-0000001 through
20190110-DEF-OPCPOD1-4-0009353**

**REDACTED
In Entirety**

**Documents bearing Bates numbers:
20190110-DEF-OPCPOD1-6-0000001 through
20190110-DEF-OPCPOD1-6-0001838**

**REDACTED
In Entirety**

**Documents bearing Bates numbers:
20190110-DEF-OPCPOD1-14-0000001 through
20190110-DEF-OPCPOD1-14-0007401**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-4-0009354 through
20190110-DEF-OPCPOD1-4-0014819**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-5-000001 through
20190110-DEF-OPCPOD1-5-001524**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-6-001839 through
20190110-DEF-OPCPOD1-6-002577**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-7-0000001 through
20190110-DEF-OPCPOD1-7-0001024**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-8-0000001 through
20190110-DEF-OPCPOD1-8-0001528**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-16-000906 through
20190110-DEF-OPCPOD1-16-001004**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-4-0014820 through
20190110-DEF-OPCPOD1-4-0014946**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-3-000804 through
20190110-DEF-OPCPOD1-3-000817**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCROG1-18-000001 through
20190110-DEF-OPCROG1-18-000002**

**REDACTED
In Entirety**

**Documents bearing Bates numbers:
20190110-DEF-OPCPOD1-9-0000001 through
20190110-DEF-OPCPOD1-9-0003059**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-13-0000001 through
20190110-DEF-OPCPOD1-13-0000007**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-15-0000001 through
20190110-DEF-OPCPOD1-15-0000005**

**REDACTED
In Entirety**

**Documents bearing Bates numbers:
20190110-DEF-OPCPOD1-16-0000001 through
20190110-DEF-OPCPOD1-16-0000905**

**REDACTED
In Entirety**

**Documents bearing Bates numbers:
20190110-DEF-OPCPOD1-4-0000001 through
20190110-DEF-OPCPOD1-4-0009353**

**REDACTED
In Entirety**

**Documents bearing Bates numbers:
20190110-DEF-OPCPOD1-6-0000001 through
20190110-DEF-OPCPOD1-6-0001838**

**REDACTED
In Entirety**

**Documents bearing Bates numbers:
20190110-DEF-OPCPOD1-14-0000001 through
20190110-DEF-OPCPOD1-14-0007401**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-4-0009354 through
20190110-DEF-OPCPOD1-4-0014819**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-5-000001 through
20190110-DEF-OPCPOD1-5-001524**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-6-001839 through
20190110-DEF-OPCPOD1-6-002577**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-7-0000001 through
20190110-DEF-OPCPOD1-7-0001024**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-8-0000001 through
20190110-DEF-OPCPOD1-8-0001528**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-16-000906 through
20190110-DEF-OPCPOD1-16-001004**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-4-0014820 through
20190110-DEF-OPCPOD1-4-0014946**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCPOD1-3-000804 through
20190110-DEF-OPCPOD1-3-000817**

**REDACTED
In Entirety**

**Document bearing Bates number:
20190110-DEF-OPCROG1-18-000001 through
20190110-DEF-OPCROG1-18-000002**

**REDACTED
In Entirety**

Exhibit C

DUKE ENERGY FLORIDA, LLC Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>DEF's Response to Citizen's First Request for Production of Documents (Nos. 1-16); specifically, request number 9</p>	<p>Response to POD No. 9 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-9-0000001 through 20190110-DEF-OPCPOD1-9-0003059: The entire set of documents are 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.</p>
<p>DEF's Response to Citizen's First Request for Production of Documents (Nos. 1-16); specifically, request number 13</p>	<p>Response to POD No. 13 - Document bearing Bates number 20190110-DEF-OPCPOD1-0000001 through 20190110-DEF-OPCPOD1-13-0000007: The entire document 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.</p>
<p>DEF's Response to Citizen's First Request for Production of Documents (Nos. 1-16); specifically, request number 15</p>	<p>Response to POD No. 15 - Document bearing Bates number 20190110-DEF-OPCPOD1-15-0000001 through 20190110-DEF-OPCPOD1-15-0000005: The entire document 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</p>

		contains confidential information, the disclosure of which would impair DEF's competitive interests.
DEF's Response to Citizen's First Request for Production of Documents (Nos. 1-16); specifically, request number 16	Response to POD No. 16 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-16-0000001 through 20190110-DEF-OPCPOD1-16-0000905: The entire set of documents are confidential.	§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. §366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's competitive interests.
DEF's First Supplemental Response to Citizen's Corrected First Request for Production of Documents (Nos. 1-16); specifically, request number 4	Response to POD No. 4 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-4-0000001 through 20190110-DEF-OPCPOD1-4-0009353: The entire set of documents is confidential.	§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. §366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's competitive interests.
DEF's First Supplemental Response to Citizen's Corrected First Request for Production of Documents (Nos. 1-16); specifically, request number 6	Response to POD No. 6 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-6-0000001 through 20190110-DEF-OPCPOD1-6-0001838: The entire set of documents is confidential.	§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. §366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of

		which would impair DEF's competitive interests.
DEF's First Supplemental Response to Citizen's Corrected First Request for Production of Documents (Nos. 1-16); specifically, request number 14	Response to POD No. 14 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-14-0000001 through 20190110-DEF-OPCPOD1-14-0007401: The entire set of documents is confidential.	§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. §366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's competitive interests.
DEF's Second Supplemental Response to Citizen's Corrected First Request for Production of Documents (Nos. 1-16); specifically, request number 4	Response to POD No. 4 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-4-0009354 through 20190110-DEF-OPCPOD1-4-0014819: The entire set of documents is confidential.	§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. §366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's competitive interests.
DEF's Second Supplemental Response to Citizen's Corrected First Request for Production of Documents (Nos. 1-16); specifically, request number 5	Response to POD No. 5 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-5-000001 through 20190110-DEF-OPCPOD1-5-001524: The entire set of documents is confidential.	§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. §366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's

		competitive interests.
DEF's Second Supplemental Response to Citizen's Corrected First Request for Production of Documents (Nos. 1-16); specifically, request number 6	Response to POD No. 6 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-6-001839 through 20190110-DEF-OPCPOD1-6-002577: The entire set of documents is confidential.	<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.</p>
DEF's Second Supplemental Response to Citizen's Corrected First Request for Production of Documents (Nos. 1-16); specifically, request number 7	Response to POD No. 7 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-7-0000001 through 20190110-DEF-OPCPOD1-7-0001024: The entire set of documents is confidential.	<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.</p>
DEF's Second Supplemental Response to Citizen's Corrected First Request for Production of Documents (Nos. 1-16); specifically, request number 8	Response to POD No. 8 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-8-0000001 through 20190110-DEF-OPCPOD1-8-0001528: The entire set of documents is confidential.	<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.</p>

<p>DEF's Second Supplemental Response to Citizen's Corrected First Request for Production of Documents (Nos. 1-16); specifically, request number 16</p>	<p>Response to POD No. 16 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-16-0000906 through 20190110-DEF-OPCPOD1-16-0001004: The entire set of documents 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.</p>
<p>DEF's Third Supplemental Response to Citizen's Corrected First Request for Production of Documents (Nos. 1-16); specifically, request number 4</p>	<p>Response to POD No. 4 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-4-0014820 through 20190110-DEF-OPCPOD1-4-0014946: The entire set of documents 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.</p>
<p>DEF's Fourth Supplemental Response to Citizen's Corrected First Request for Production of Documents (Nos. 1-16); specifically, request number 3</p>	<p>Response to POD No. 3 - Documents bearing Bates numbers 20190110-DEF-OPCPOD1-3-000804 through 20190110-DEF-OPCPOD1-3-000817: The entire set of documents 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.</p>

<p>DEF's First Supplemental Response to Citizen's Corrected First Set of Interrogatories (Nos. 1-39); specifically, request number 18</p>	<p>Response to POD No. 18 - Document bearing Bates number 20190110-DEF-OPCROG1-18-000001 through 20190110-DEF-OPCROG1-18-000002: The entire document 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.</p>
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Exhibit D

AFFIDAVIT OF JASON CUTLIFFE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Michael and Tropical Storm Alberto.

Docket No. 20190110-EI

Filed: May 13, 2020

**AFFIDAVIT OF JASON CUTLIFFE IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S SECOND REQUEST FOR
CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF _____

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

1. My name is Jason Cutliffe. 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 Second 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 of Emergency Preparedness for the Company.

3. As the General Manager, I am responsible for the overall management and emergency training of managers and employees. I am also responsible for the overall preparedness for major restoration events. Additionally, I serve as the Region Incident Commander when such a role is activated under the Incident Command Structure.

4. DEF is seeking the confidential classification for certain information contained within portions of: DEF's production in response to request numbers 9, 13, 15, and 16 of DEF's

Response to OPC's First Request for Production of Documents (Nos. 1-16); DEF's production in response to request numbers 4, 6, and 14 of DEF's First Supplement to DEF's Response to OPC's First Request for Production of Documents; DEF's production in response to request numbers 4, 5, 6, 7, 8, and 16 of DEF's Second Supplement to DEF's Response to OPC's First Request for Production of Documents; DEF's production in response to request number 4 of DEF's Third Supplement to DEF's Response to OPC's First Request for Production of Documents; DEF's production in response to request number 3 of DEF's Fourth Supplement to DEF's Response to OPC's First Request for Production of Documents; and DEF's response to request number 18 of DEF's Response to OPC's First Set of Interrogatories (Nos. 1-39). 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, 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 proprietary confidential business information including the Company's internal policies and standards as well as contractual rate information. The disclosure of such information would not only impair the Company's competitive business advantages, but would also impair the Company's ability to protect proprietary information. Therefore, the confidential information at issue qualifies for confidential classification.

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 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.

Dated the ____ day of _____, 2020.

Jason Cutliffe
(address)

The foregoing instrument was sworn to and subscribed before me, by means of physical presence or online notarization, this ____ day of _____, 2020, by Jason Cutliffe. He is personally known to me, or has produced his ____ driver's license, ____ or his _____ as identification, and who states that the foregoing answers are true and correct to the best of his information and belief.

Signature

Printed Name

NOTARY PUBLIC, STATE OF _____

Commission Expiration Date

(AFFIX NOTARY SEAL)