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June 8, 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 Sixth Request for Confidential Classification filed in connection with the information contained within the documents produced by DEF in response to the Office of the Public Counsel’s (“OPC”) First Request to Produce Documents (Nos. 1-13) and within portions of both DEF’s responses to OPC’s First Set of Interrogatories (Nos. 1-25) and in some cases, the interrogatory requests themselves. This filing includes the following:

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

DEF’s confidential Exhibit A, Supplemental Exhibit A, and Second Supplemental Exhibit A that accompany the above-referenced filing were submitted separately under separate cover on May 20, 2020, May 22, 2020, and May 28, 2020, respectively.

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)

**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: June 8, 2020

**DUKE ENERGY FLORIDA, LLC'S SIXTH  
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 Sixth Request for Confidential Classification (the “Request”) for certain information contained within the documents produced by DEF in response to the Office of the Public Counsel’s (“OPC”) First Request to Produce Documents (Nos. 1-13) served May 20, 2020 (the “First POD”), as well as portions of both DEF’s responses to OPC’s First Set of Interrogatories (Nos. 1-25) served May 20, 2020 (the “First Interrogatories”) and portions of the First Interrogatories themselves. In support of this Request, DEF states:

1. The information contained within the documents produced by DEF in response to the First POD and within portions of both DEF’s responses to the First Interrogatories and the First Interrogatories themselves is “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this Request:

(a) Sealed **Exhibit A**, **Supplemental Exhibit A**, and **Second Supplemental Exhibit A** are packages containing unredacted copies of the documents produced by DEF in

response to the First POD and portions of both DEF's responses to the First Interrogatories and the First Interrogatories themselves, for which DEF seeks confidential treatment. **Exhibit A**, **Supplemental Exhibit A**, and **Second Supplemental Exhibit A** were submitted separately to the Commission Clerk on May 20, 2020, May 22, 2020, and May 28, 2020, respectively, on three separate CDs in sealed envelopes labeled "CONFIDENTIAL." In the unredacted copies, the information asserted to be confidential is either highlighted in yellow or contains a confidential watermark in yellow for documents confidential in their entirety. Also in the unredacted copy, the information asserted to be confidential is stamped "CONFIDENTIAL" in red.

(b) **Composite Exhibit B** is two copies of the redacted information contained within the documents produced by DEF in response to the First POD and portions of both DEF's responses to the First Interrogatories and the First Interrogatories themselves, 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, the information contained within the documents produced by DEF in response to the First POD and portions of both DEF's responses to the First Interrogatories and the First Interrogatories themselves, 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.<sup>1</sup>

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<sup>1</sup> Due to the current circumstances with COVID-19, DEF is submitting this Request with an Unverified Affidavit. DEF will file a Verified Affidavit as soon as the climate allows.

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 documents produced by DEF in response to the First POD and portions of both DEF’s responses to the First Interrogatories and the First Interrogatories themselves, includes proprietary business information relating to competitive business information of both DEF and third-party companies, as well as commercially sensitive confidential information concerning bids and 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 this information would impair the Company’s competitive business advantages, impair the Company’s ability to protect proprietary information, violate contractual requirements to maintain the confidentiality of such information under the subject contract, and adversely impact the proprietary rights of third parties, therefore impacting the Company’s competitive interest and ultimately have a detrimental impact on DEF’s customers. Not only must DEF ensure that this information is kept confidential, but DEF is also obligated to maintain the confidentiality of the commercially sensitive confidential information concerning bids and contractual business information and obligations 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 Sixth Request for Confidential Classification be granted.

DATED this 8<sup>th</sup> day of June, 2020.

Respectfully submitted,

*/s/ Daniel Hernandez*

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**MELANIE SENOSIAIN**

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**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 8<sup>th</sup> day of June, 2020, to all parties of record as indicated below.

*/s/ Daniel Hernandez*

\_\_\_\_\_  
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>
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**Exhibit A**  
**Supplemental Exhibit A**  
**Second Supplemental Exhibit A**

**“CONFIDENTIAL”**

(submitted under separate cover)

# **Exhibit B**

**REDACTED**

**(two copies)**

**Documents bearing Bates numbers:  
20190140-DEF-OPCPOD1-1\_2-000001 to  
20190140-DEF-OPCPOD1-1\_2-000213**

**REDACTED  
IN ENTIRETY**

**Documents bearing Bates numbers:  
20190140-DEF-OPCPOD1-3-000001 to  
20190140-DEF-OPCPOD1-3-000032**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000001**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000047**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000048**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000200**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000210**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000380**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000495**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000496**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000499**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000501**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000502**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000503**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000541**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000544**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000785**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-001051**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-001086**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-001087**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-001088**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates numbers:  
20190140-DEF-OPCPOD1-13-000001 to  
20190140-DEF-OPCPOD1-13-000011**

**REDACTED  
IN ENTIRETY**

**Documents bearing Bates numbers:  
20190140-DEF-OPCPOD1-1\_2-000001 to  
20190140-DEF-OPCPOD1-1\_2-000213**

**REDACTED  
IN ENTIRETY**

**Documents bearing Bates numbers:  
20190140-DEF-OPCPOD1-3-000001 to  
20190140-DEF-OPCPOD1-3-000032**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000001**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000047**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000048**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000200**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000210**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000380**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000495**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000496**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000499**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000501**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000502**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000503**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000541**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000544**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-000785**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-001051**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-001086**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-001087**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates number:  
20190140-DEF-OPCPOD1-7-001088**

**REDACTED  
IN ENTIRETY**

**Document bearing Bates numbers:  
20190140-DEF-OPCPOD1-13-000001 to  
20190140-DEF-OPCPOD1-13-000011**

**REDACTED  
IN ENTIRETY**

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

<b>DOCUMENT/RESPONSES</b>	<b>PAGE/LINE</b>	<b>JUSTIFICATION</b>
<b>DEF's Response to OPC's First Request for Production of Documents (Nos. 1-13); specifically, request numbers 1 and 2</b>	<b>Response to POD Nos. 1 and 2</b> - Documents bearing Bates numbers <b>20190140-DEF-OPCPOD1-1_2-000001</b> to <b>20190140-DEF-OPCPOD1-1_2-000213</b> : 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>
<b>DEF's Response to OPC's First Request for Production of Documents (Nos. 1-13); specifically, request number 3</b>	<b>Response to POD No. 3</b> - Documents bearing Bates numbers <b>20190140-DEF-OPCPOD1-3-000001</b> to <b>20190140-DEF-OPCPOD1-3-000032</b> : 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>
<b>DEF's Response to OPC's First Request for Production of Documents (Nos. 1-13); specifically, request number 7</b>	<b>Response to POD No. 7</b> –  Document bearing Bates number <b>20190140-DEF-OPCPOD1-7-000001</b> : The entire document is confidential.  Document bearing Bates number <b>20190140-DEF-</b>	<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>

	<p><b>OPCPOD1-7-000047:</b> The entire document is confidential.</p> <p>Document bearing Bates number <b>20190140-DEF-OPCPOD1-7-000048:</b> The entire document is confidential.</p> <p>Document bearing Bates number <b>20190140-DEF-OPCPOD1-7-000200:</b> The entire document is confidential.</p> <p>Document bearing Bates number <b>20190140-DEF-OPCPOD1-7-000210:</b> The entire document is confidential.</p> <p>Document bearing Bates number <b>20190140-DEF-OPCPOD1-7-000380:</b> The entire document is confidential.</p> <p>Document bearing Bates number <b>20190140-DEF-OPCPOD1-7-000495:</b> The entire document is confidential.</p> <p>Document bearing Bates number <b>20190140-DEF-OPCPOD1-7-000496:</b> The entire document is confidential.</p> <p>Document bearing Bates number <b>20190140-DEF-OPCPOD1-7-000499:</b> The entire document is confidential.</p>	<p>contains confidential information, the disclosure of which would impair DEF's competitive interests.</p>
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Document bearing Bates number **20190140-DEF-OPCPOD1-7-000501**: The entire document is confidential.

Document bearing Bates number **20190140-DEF-OPCPOD1-7-000502**: The entire document is confidential.

Document bearing Bates number **20190140-DEF-OPCPOD1-7-000503**: The entire document is confidential.

Document bearing Bates number **20190140-DEF-OPCPOD1-7-000541**: The entire document is confidential.

Document bearing Bates number **20190140-DEF-OPCPOD1-7-000544**: The entire document is confidential.

Document bearing Bates number **20190140-DEF-OPCPOD1-7-000785**: The entire document is confidential.

Document bearing Bates number **20190140-DEF-OPCPOD1-7-001051**: The entire document is confidential.

Document bearing Bates number **20190140-DEF-**

	<p><b>OPCPOD1-7-001086:</b> The entire document is confidential.</p> <p>Document bearing Bates number <b>20190140-DEF-OPCPOD1-7-001087:</b> The entire document is confidential.</p> <p>Document bearing Bates number <b>20190140-DEF-OPCPOD1-7-001088:</b> The entire document is confidential.</p>	
<p><b>DEF’s Response to OPC’s First Request for Production of Documents (Nos. 1-13); specifically, request number 13</b></p>	<p><b>Response to POD No. 13 -</b> Document bearing Bates numbers <b>20190140-DEF-OPCPOD1-13-000001</b> to <b>20190140-DEF-OPCPOD1-13-000011:</b> 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><b>DEF’s Response to OPC’s First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 1</b></p>	<p><b>Response to ROG No. 1 –</b></p> <p>On page 1, under “<u>Technical Evaluation performed by the following:</u>”, all information before:  “(Project Management)”  “(Engineering)”  “(Security)”  “(Licensing)”  “(Safety)”  “(Operations/Maintenance)”  “(Radiation Protection)”  “(Operations)”</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>On page 2, under “<u>Commercial Evaluation Performed by:</u>”, all information before:  “(Project Management)”  “(Project Control)”  “(Business Finance)”  “(Supply Chain)”  “(Credit Risk Management)”  “(Credit Risk Management)”</p> <p>On page 2, under “<u>Terms/Legal</u>”, all information before:  “(Supply Chain)”  “(Legal)”</p>	
<p><b>DEF’s Response to OPC’s First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 3</b></p>	<p><b>ROG No. 3 –</b></p> <p>The interrogatory request is confidential in entirety.</p> <p><b>Response to ROG No. 3 –</b></p> <p>On page 4, all information contained within the second paragraph of DEF’s response.</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><b>DEF’s Response to OPC’s First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 5</b></p>	<p><b>ROG No. 5 –</b></p> <p>The interrogatory request (including subparts a-e) is confidential in entirety.</p> <p><b>Response to ROG No. 5 –</b></p> <p>On page 6, all information contained within the second paragraph of DEF’s response to subpart a;</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</p>

	<p>On page 6, all information contained within the second paragraph of DEF’s response to subpart b;</p> <p>On page 7, all information contained within the first three paragraphs of the page, which are responsive to subpart c;</p> <p>On page 7, all information contained within the second paragraph of DEF’s response to subpart d; and</p> <p>On page 7, all information contained within the second paragraph of DEF’s response to subpart e.</p>	<p>competitive interests.</p>
<p><b>DEF’s Response to OPC’s First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 6</b></p>	<p><b>ROG No. 6 –</b></p> <p>The interrogatory request is confidential in entirety.</p> <p><b>Response to ROG No. 6 –</b></p> <p>On page 8, all information contained within DEF’s response.</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><b>DEF’s Response to OPC’s First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 7</b></p>	<p><b>Response to ROG No. 7, subpart c –</b></p> <p>On page 9, all information after “ADP CR3 may submit”; and</p> <p>On page 10, all information before “(Article 9.8 of the DSA).”</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.
<b>DEF's Response to OPC's First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 9</b>	<p><b>ROG No. 9 –</b></p> <p>The interrogatory request (including subparts a-d) is confidential in entirety.</p> <p><b>Response to ROG No. 9 –</b></p> <p>On page 11, all information contained within the second paragraph of DEF's response to subpart a;</p> <p>On page 11, all information contained within the second paragraph of DEF's response to subpart b;</p> <p>On page 11, all information contained within the first three paragraphs of the page, which are responsive to subpart c; and</p> <p>On page 12, all information contained within the second paragraph of DEF's response to subpart d.</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>
<b>DEF's Response to OPC's First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 10</b>	<p><b>ROG No. 10 –</b></p> <p>The interrogatory request (including subparts a-c) is confidential in entirety.</p> <p><b>Response to ROG No. 10 –</b></p> <p>DEF's response to the interrogatory request (including subparts a-c) is</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</p>

	confidential in entirety.	information, the disclosure of which would impair DEF's competitive interests.
<b>DEF's Response to OPC's First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 12</b>	<p><b>ROG No. 12 –</b></p> <p>The interrogatory request (including subparts a-e) is confidential in entirety.</p> <p><b>Response to ROG No. 12 –</b></p> <p>DEF's response to the interrogatory request (including subparts a-e) is confidential in entirety.</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>
<b>DEF's Response to OPC's First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 13</b>	<p><b>ROG No. 13 –</b></p> <p>The interrogatory request is confidential in entirety.</p> <p><b>Response to ROG No. 13 –</b></p> <p>DEF's response to the interrogatory request is confidential in entirety.</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>
<b>DEF's Response to OPC's First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 14</b>	<p><b>ROG No. 14 –</b></p> <p>The interrogatory request is confidential in entirety.</p> <p><b>Response to ROG No. 14 –</b></p> <p>On page 18, all information contained within the second paragraph of DEF's response 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</p>

		information, the disclosure of which would impair DEF's competitive interests.
<p><b>DEF's Response to OPC's First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 15</b></p>	<p><b>Response to ROG No. 15 –</b></p> <p><u>On page 19:</u></p> <p>All information after “amounts to be paid” and before “(b) Contractor shall include” is confidential; and</p> <p>All information after “Contractor attesting as follows:” is confidential.</p> <p><u>On page 20:</u></p> <p>All information before “(ii) The requested disbursement is due and owing” is confidential;</p> <p>All information after “unresolved disputed costs exceeds” and before “Company shall be entitled to reduce” is confidential;</p> <p>All information after “amount in dispute that exceeds” and before “and the withholding of such amounts” is confidential; and</p> <p>All information after “disputed costs is less than” and before “As stated in Article 6.7 Project Schedule of the DSA” is confidential.</p> <p><u>On page 21:</u></p> <p>All information before “and completion of Milestone One”</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>is confidential; and</p> <p>All information after “Summary of items in A, above” and before “dispute summary.” is confidential.</p> <p><u>On page 22:</u></p> <p>All information after “ii. An assessment of” and before “performance and future projections” is confidential.</p>	
<p><b>DEF’s Response to OPC’s First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 16</b></p>	<p><b>ROG No. 16 –</b></p> <p>The interrogatory request (including subparts a-k) is confidential in entirety.</p> <p><b>Response to ROG No. 16 –</b></p> <p>DEF’s response to the interrogatory request (including subparts a-k) is confidential in entirety.</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><b>DEF’s Response to OPC’s First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 17</b></p>	<p><b>Response to ROG No. 17, subpart c –</b></p> <p>All information after “because those deposits,” and before “Contractor has the right to receive”.</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><b>DEF's Response to OPC's First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 18</b></p>	<p><b>ROG No. 18 –</b></p> <p>The interrogatory request (including subparts a-c) is confidential in entirety.</p> <p><b>Response to ROG No. 18 –</b></p> <p>DEF's response to the interrogatory request (including subparts a-c) is confidential in entirety.</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><b>DEF's Response to OPC's First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 19</b></p>	<p><b>Response to ROG No. 19, subpart b –</b></p> <p>All information after “to pay the remaining”.</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><b>DEF's Response to OPC's First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 21</b></p>	<p><b>ROG No. 21 –</b></p> <p>Under subpart d of the <u>interrogatory request</u>:</p> <p>All information after “DEF has identified” and before “in disputed costs”;</p> <p>All information after “DEF has paid the” and before “in disputed costs”; and</p> <p>All information after “explain</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>how the” and before “in disputed costs”.</p> <p><b>Response to ROG No. 21 –</b></p> <p><u>Under response to subpart a:</u></p> <p>All information after “the letter of credit” and before “On the date the letter of credit”;</p> <p><u>Under response to subpart b:</u></p> <p>All information after “DEF believes that” and before “is a reasonable and sufficient incentive”;</p> <p><u>Under response to subpart d:</u></p> <p>All information after “The” and before “in disputed costs”</p>	
<p><b>DEF’s Response to OPC’s First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 22</b></p>	<p><b>ROG No. 22 –</b></p> <p><u>Under the main interrogatory:</u></p> <p>All information after “disputed costs reaches” and before “With regard to”.</p> <p><u>Under subpart a of the interrogatory request:</u></p> <p>All information after “contract there is still” and before “in disputed costs”.</p> <p><u>Under subpart c of the interrogatory request:</u></p> <p>All information after “disputed costs to rise to” and before “before DEF was allowed”.</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><b>Response to ROG No. 21, subpart c –</b></p> <p>All information after “amount we agreed to” and before “is approximately”;</p> <p>All information after “is approximately” and before “of the contract value”;</p> <p>All information after “percent complete of each” and before “claimed on the monthly invoice”;</p> <p>All information after “full amount for that” and before “ADP CR3 will not be paid”;</p> <p>All information after “upon amount for any” and so the disputes will automatically”;</p> <p>and</p> <p>All information before “resolved by the completion of a”.</p>	
<p><b>DEF’s Response to OPC’s First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 23</b></p>	<p><b>ROG No. 23 –</b></p> <p>The interrogatory request (including subparts a-e) is confidential in entirety.</p> <p><b>Response to ROG No. 23 –</b></p> <p>DEF’s response to the interrogatory request (including subparts a-e) is confidential in entirety.</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><b>DEF's Response to OPC's First Set of Interrogatories (Nos. 1-25); specifically, interrogatory number 24</b></p>	<p><b>ROG No. 24 –</b></p> <p>The interrogatory request (including subparts a-e) is confidential in entirety.</p> <p><b>Response to ROG No. 24 –</b></p> <p>DEF's response to the interrogatory request (including subparts a-e) is confidential in entirety.</p>	<p>§366.093(3)(d), F.S.</p> <p>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.</p> <p>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 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: June 8, 2020

**AFFIDAVIT OF TERRY HOBBS IN SUPPORT OF  
DUKE ENERGY FLORIDA, LLC'S SIXTH  
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 Sixth 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 documents produced by DEF in response to the Office of the Public Counsel's ("OPC") First Request to Produce Documents (Nos. 1-13) served May 20, 2020 (the "First POD"), as well as portions of both DEF's responses to OPC's First Set of Interrogatories (Nos. 1-25) served May 20, 2020 (the "First Interrogatories") and portions of the First Interrogatories themselves. The confidential information at issue is contained in confidential Exhibit A, Supplemental Exhibit A, and Second Supplemental Exhibit A (collectively, "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 proprietary business information, as well as commercially sensitive confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.

5. Specifically, the confidential information at issue includes proprietary business information relating to competitive business information of both DEF and third-party companies, as well as commercially sensitive confidential information concerning bids and 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 impair the Company's competitive business advantages, impair the Company's ability to protect proprietary information, violate contractual

requirements to maintain the confidentiality of such information under the subject contract, and adversely impact the proprietary rights of third parties, therefore impacting the Company's competitive interest and ultimately have a detrimental impact on DEF's customers. Therefore, the confidential information at issue qualifies for confidential classification.

6. DEF is obligated to maintain the confidentiality of the commercially sensitive confidential information concerning bids and contractual business information and obligations 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 \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
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 \_\_\_\_ day of \_\_\_\_\_, 2020, by Terry Hobbs. He is personally known to me, or has produced his \_\_\_\_ driver's license, \_\_\_\_ or his \_\_\_\_\_ as identification.

\_\_\_\_\_  
Signature

(AFFIX NOTARY SEAL)

\_\_\_\_\_  
Printed Name

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

\_\_\_\_\_  
Commission Expiration Date