

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

Filed: November 17, 2020

**DUKE ENERGY FLORIDA, LLC'S  
NOTICE OF FILING AND SERVING VERIFIED<sup>1</sup> AFFIDAVITS**

Duke Energy Florida, LLC (“DEF”), by and through the undersigned counsel, hereby submits the following attached verified affidavits for the following requests for confidential classification filed by DEF in this proceeding:

1. DEF’s Request for Confidential Classification re. Staff’s Recommended Order filed August 14, 2020; and
2. DEF’s Request for Confidential Classification re. FPSC’s Final Order filed October 29, 2020.

This 17<sup>th</sup> day of November, 2020.

Respectfully submitted,

/s/ Matthew R. Bernier

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<sup>1</sup> Due to circumstances with COVID-19, DEF was unable to previously provide verified affidavits for the above-listed filings and discovery responses at the time they were filed and/or served.

**CERTIFICATE OF SERVICE**

*Docket No. 20200001-EI*

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 17<sup>th</sup> day of November, 2020.

/s/ Matthew R. Bernier

Attorney

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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: August 14, 2020

**AFFIDAVIT OF JEFFREY SWARTZ IN SUPPORT OF  
DUKE ENERGY FLORIDA'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF CITRUS

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

1. My name is Jeffrey Swartz. 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 Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Vice President of Florida Generation in the Fossil Hydro Operations Department. This section is responsible for overall leadership and strategic direction of DEF's power generation fleet.

3. As the Vice President of Florida Generation, I am responsible, along with the other members of the section, for strategic and tactical planning to operate and maintain DEF's non-nuclear generation fleet, generation fleet project and additions

recommendations, major maintenance programs, outage and project management, and retirement of generation facilities.

4. DEF is seeking confidential classification for information contained in the Staff ("Staff") of the Florida Public Service Commission's ("FPSC") Recommended Order to the Division of Administrative Hearings ("DOAH") held on February 4 and 5, 2020. The confidential information at issue is contained in confidential Exhibit A to DEF's Request and is outlined in DEF's Justification Matrix that is attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains sensitive business information, the disclosure of which would impair the Company's competitive business interests and ability to contract for goods and services on favorable terms.

5. The confidential information at issue relates to proprietary and confidential third-party operating procedures and technical information regarding the third-party's proprietary component design and operation parameters, the disclosure of which would impair third-party's competitive business interests, and if disclosed, the Company's competitive business interests and efforts to contact for goods or services on favorable terms.

6. Further, if DEF cannot demonstrate to its third-party OEM, and others that may enter contracts with DEF in the future, that DEF has the ability to protect those third-parties' confidential and proprietary business information, third-parties will be less likely to provide that information to DEF – harming DEF's ability to prudently operate its business. DEF has not publicly disclosed the information. Without DEF's measures to maintain the confidentiality of this sensitive business information, DEF's ability to

contract with third-parties could detrimentally impact DEF's ability to negotiate favorable contracts, as third-parties may begin to demand a "premium" to do business with DEF to account for the risk that its proprietary information will become a matter of public record, thereby harming DEF's competitive interests and ultimately its customers' financial interests.

7. 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.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 16<sup>th</sup> day of November, 2020.

JS Swartz  
(Signature)  
Jeffrey Swartz  
Vice President Florida Generation  
Duke Energy Florida, LLC  
Florida Regional Headquarters  
St. Petersburg, FL

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 16 day of November 2020 by Jeffrey Swartz. He is personally known to me.

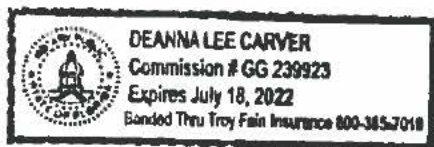
Deanna Lee Carver  
(Signature)  
Deanna Lee Carver

(Printed Name)  
NOTARY PUBLIC, STATE OF FLORIDA

July 18, 2022  
(Commission Expiration Date)

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)



**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

Filed: October 29, 2020

**AFFIDAVIT OF JEFFREY SWARTZ IN SUPPORT OF  
DUKE ENERGY FLORIDA LLC'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF CITRUS

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

1. My name is Jeffrey Swartz. I am over the age of 18 years old and I have been authorized by Duke Energy Florida, LLC (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 Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Vice President of Florida Generation. I am responsible for the overall leadership and strategic direction of DEF's power generation fleet. My major duties and responsibilities include strategic and tactical planning to operate and maintain DEF's non-nuclear generation fleet; generation fleet project and additions recommendations; major maintenance programs; outage and project management; retirement of generation facilities; asset allocation; workforce planning and staffing; organizational alignment and design; continuous

business improvements; retention and inclusion; succession planning; and oversight of hundreds of employees and hundreds of millions of dollars in assets and capital and operating budgets.

3. DEF is seeking confidential classification for certain information contained in the Florida Public Service Commission's Final Order PSC-2020-0368-FOF-EI (DN 11211-2020). The confidential information at issue is contained in confidential Exhibit A to DEF's Request and is outlined in DEF's Justification Matrix that is attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains confidential information, contractual information, or information provided by a third party that DEF is obligated to keep confidential, the disclosure of which would harm its competitive business interests.

4. In order to contract with third-party vendors and Original Equipment Manufacturers on favorable terms, DEF must keep contractual terms and third-party proprietary information confidential. The disclosure of which would be to the detriment of DEF and its customers. DEF takes affirmative steps to prevent the disclosure of this information to the public, as well as limits its dissemination within the Company to those employees with a need to access the information to provide their job responsibilities. Absent such measures, third-party vendors would run the risk that sensitive business information that they provided 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 would otherwise 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, the Company's efforts to obtain competitive contracts could be undermined.



5. Additionally, the disclosure of confidential information provided by a third party could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive contracts that add economic value to both DEF and its customers could be undermined.

6. Upon receipt of confidential information from third-party vendors, 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. 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.

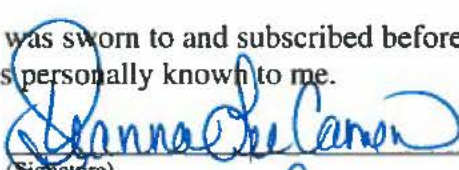
7. This concludes my affidavit.

Further affiant sayeth not.

Dated the 16<sup>th</sup> day of ~~NOVEMBER~~ 2020.

  
\_\_\_\_\_  
(Signature)  
Jeffrey Swartz  
Vice President – Generation Florida

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 16 day of November, 2020 by Jeffrey Swartz. He is personally known to me.

  
\_\_\_\_\_  
(Signature)  
Deanna Lee Carver  
\_\_\_\_\_  
(Printed Name)  
NOTARY PUBLIC, STATE OF FLORIDA  
July 18, 2022  
\_\_\_\_\_  
(Commission Expiration Date)  
\_\_\_\_\_  
(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

