



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

April 15, 2021

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. 20210001-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC (“DEF”), DEF’s First Request for Extension of Confidential Classification concerning the Rebuttal Testimony of Jeffrey Swartz and Exhibit Nos. ___JS-2, ___JS-3, and ___JS-4, originally filed in docket no. 20190001-EI and Revised Exhibit D, Affidavit of Jeff Swartz. 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

Matthew R. Bernier
Associate General Counsel
Matt.Bernier@duke-energy.com

MRB/mw
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20210001-EI

Dated: April 15, 2021

**DUKE ENERGY FLORIDA LLC'S
FIRST 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 this First Request for Extension of Confidential Classification for certain information provided in the rebuttal testimony of Jeffrey Swartz and Exhibit Nos. __ (JS-2), __ (JS-3), and __ (JS-4), filed on September 26, 2019 in docket number 20190001-EI. In support of this Request, DEF states:

1. On September 26, 2019, DEF filed a Request for Confidential Classification for information contained in the rebuttal testimony of Jeffrey Swartz, specifically pages 2, 3, 5 through 8, and 13 through 19, and Exhibit Nos. __ (JS-2), __ (JS-3), and __ (JS-4), as it contains “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

2. DEF’s September 26, 2019 Request was granted by Order No. PSC-2019-0423-CFO-EI on October 16, 2019. The period of confidential treatment granted by that order will expire on February 22, 2021. 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 First Request for Extension of Confidential Classification.

3. DEF submits that the information contained in the rebuttal testimony of Jeffrey Swartz, specifically pages 2, 3, 5 through 8, and 13 through 19, and Exhibit Nos. __ (JS-2), __ (JS-

3), and __ (JS-4), identified in Exhibit “A” and Exhibit “C” to the September 26, 2019, Request¹ 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 Jeffrey Swartz 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 Jeffrey Swartz ¶¶ 5-7.

4. Nothing has changed since the issuance of Order No. PSC-2019-0423-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.

RESPECTFULLY SUBMITTED this 15th day of April, 2021.

s/Matthew R. Bernier _____

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¹ DEF hereby incorporates Exhibits A, B, and C to the original Request, Document No. 09058-2019 submitted on September 26, 2019 in docket no. 20190001-EI as if attached hereto

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Attorneys for Duke Energy Florida, LLC

CERTIFICATE OF SERVICE

Docket No. 20210001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via email this 15th day of April, 2021, to all parties of record as indicated below.

s/Matthew R. Bernier

Attorney

<p>Suzanne Brownless Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us</p> <p>J. Beasley / J. Wahlen / M. Means Ausley McMullen P.O. Box 391 Tallahassee, FL 32302 jbeasley@ausley.com jwahlen@ausley.com mmeans@ausley.com</p> <p>Russell A. Badders Gulf Power Company One Energy Place, Bin 100 Pensacola, FL 32520-0100 russell.badders@nexteraenergy.com</p> <p>Kenneth A. Hoffman Florida Power & Light Company 134 W. Jefferson Street Tallahassee, FL 32301-1713 ken_hoffman@fpl.com</p> <p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com mqualls@moylelaw.com</p>	<p>Anastacia Pirrello Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 pirrello.anastacia@leg.state.fl.us</p> <p>Paula K. Brown Regulatory Affairs Tampa Electric Company P.O. Box 111 Tampa, FL 33601-0111 regdept@tecoenergy.com</p> <p>Maria Moncada Florida Power & Light Company 700 Universe Blvd. (LAW/JB) Juno Beach, FL 33408-0420 maria.moncada@fpl.com</p> <p>James Brew / Laura W. Baker Stone Law Firm 1025 Thomas Jefferson St., N.W. Suite 800 West Washington, DC 20007 jbrew@smxblaw.com lwb@smxblaw.com</p> <p><u>Mike Cassel</u> Florida Public Utilities Company 208 Wildlight Avenue Yulee, FL 32097 mcassel@fpuc.com</p> <p>Beth Keating Gunster, Yoakley & Stewart, P.A. 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 bkeating@gunster.com</p>
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Exhibit A

“CONFIDENTIAL”

(on file)

Exhibit B

REDACTED

(on file)

Exhibit C

DUKE ENERGY FLORIDA
Confidentiality Justification Matrix
(on file)

**Revised
Exhibit D**

**AFFIDAVIT OF
JEFFREY SWARTZ**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20210001-EI

Dated: April 15, 2021

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

STATE OF FLORIDA

COUNTY OF PINELLAS

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 Regulated and Renewable Energy 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 an extension of confidential classification for portions of my rebuttal testimony, specifically information on pages 2, 3, 5, through 8, and 13 through 19 and Exhibit Nos. ___(JS-2), ___(JS-3) and ___(JS-4) to my rebuttal testimony filed on September 26, 2019 in docket number 20190001-EI. 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 an extension of 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 DEF's Root Cause Analysis Report for the Bartow Steam Turbine Event (which has previously been found to contain confidential information by this Commission – the previous claim of confidentiality has been revised) as well as proprietary and confidential third-party owned information, 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. DEF has not publicly disclosed the detailed findings contained in the Root Cause Analysis report.

6. Further, the information contains proprietary third-party drawings, pictures, evaluations and technical information regarding the third-party's proprietary component design and operation parameters. 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 6th day of APRIL, 2021.

Jeffrey Swartz
(Signature)
Jeffrey Swartz
Vice President Florida Generation
Duke Energy Florida, LLC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 6th day of APRIL, 2021 by Jeffrey Swartz. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.



(AFFIX NOTARIAL SEAL)

Barbara Martinuzzi
(Signature)
Barbara Martinuzzi
(Printed Name)
NOTARY PUBLIC, STATE OF Florida
May 10, 2021
(Commission Expiration Date)
GG 080341
(Serial Number, If Any)