



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

April 21, 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 Direct Testimony of the Office of the Public Counsel’s (OPC) Witness, Richard Polich and Exhibit Nos \_\_ (RAP-3), \_\_ (RAP-6), \_\_ (RAP-7) and \_\_ (RAP-8), 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*

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

MRB/mw  
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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Docket No. 20210001-EI

Dated: April 21, 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 Office of Public Counsel’s (“OPC) Witness, Richard A. Polich’s Direct Testimony and Exhibit Nos. \_\_\_ (RAP-3), \_\_\_ (RAP-6), \_\_\_(RAP-7) and \_\_\_ (RAP-8), filed on October 4, 2019 in docket number 20190001-EI. In support of this Request, DEF states:

1. On October 4, 2019, DEF filed a Request for Confidential Classification for information contained in the direct testimony of OPC’s Witness, Richard A. Polich and Exhibit Nos. \_\_\_ (RAP-3), \_\_\_ (RAP-6), \_\_\_(RAP-7) and \_\_\_ (RAP-8), as it contains “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

2. DEF’s October 4, 2019 Request was granted by Order No. PSC-2019-0439-CFO-EI on October 22, 2019. The period of confidential treatment granted by that order will expire on April 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 direct testimony of OPC's Witness, Richard A. Polich and Exhibit Nos. \_\_ (RAP-3), \_\_ (RAP-6), \_\_\_ (RAP-7) and \_\_\_ (RAP-8), identified in Exhibit "A" and Exhibit "C" to the October 4, 2019, Request<sup>1</sup> continues 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-2019-0439-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 21<sup>st</sup> day of April, 2021.

*s/Matthew R. Bernier*

**DIANNE M. TRIPLETT**  
Deputy General Counsel  
299 First Avenue North  
St. Petersburg, FL 33701  
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<sup>1</sup> DEF hereby incorporates Exhibits A, B, and C to the original Request, Document No. 09203-2019 submitted on October 4, 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 21<sup>st</sup> day of April, 2021, to all parties of record as indicated below.

s/Matthew R. Bernier

Attorney

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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

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

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Docket No. 20210001-EI

Dated: April 21, 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 the direct testimony of OPC's Witness, Richard A. Polich and Exhibit Nos. \_\_ (RAP-3), \_\_ (RAP-6), \_\_ (RAP-7) and \_\_ (RAP-8), filed on October 4, 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

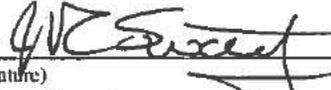
ability to protect those third-parties' confidential and proprietary business information, third-parties will be less likely to provide that information to DEF – harming DEF's ability to prudently operate its business. DEF has not publicly disclosed the information. Without DEF's measures to maintain 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 16<sup>th</sup> day of APRIL, 2021.



(Signature)

Jeffrey Swartz  
Vice President Florida Generation  
Duke Energy Florida, LLC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 16 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)



(Signature)

Deanna Lee Carver

(Printed Name)

NOTARY PUBLIC, STATE OF Florida

July 18, 2022

(Commission Expiration Date)

(Serial Number, If Any)