

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: April 21, 2022

TO: Suzanne S. Brownless, Special Counsel, Office of the General Counsel

FROM: Devlin Higgins, Public Utility Analyst IV, Division of Accounting & Finance

RE: Docket No: 20220001-EI Document No: 00223-2020
DESCRIPTION: Duke Energy Florida, LLC d/b/a Duke Energy et al Duke Energy (Bernier) - (CONFIDENTIAL) Exh A [to notice of intent to request confidential classification], information contained in 8/29/19 and 8/30/19, late-filed exhibits to deposition of Messrs. Swartz, Toms, and Salvarezza.

Pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code, Duke Energy Florida (DEF or Company) requests extension of confidential classification of certain information provided by the Company in the above referenced docket, dated January 14, 2020. The confidential classification of the subject document was first approved by Order No. PSC-2020-0372-CFO-EI, issued October 15, 2020.¹

The Company is claiming confidentiality of its information under Section 366.093(3)(d), F.S., and Section 366.093(3)(e), F.S. Per the Statute, propriety of confidential business information includes, but is not limited to: Subsection (d) “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms,” and Subsection (e) “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.”

The information at issue relates to DEF’s “Root Cause Analysis Summary” and blade testing data for the Plant Bartow steam turbine. DEF asserts the subject information contains proprietary and confidential third-party owned information, diagrams, and technical information regarding the third-party’s proprietary component design and operation parameters. DEF contends that if it cannot demonstrate to its third-party OEM, and others that may enter contracts with DEF in the future, that it 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 the Company’s ability to prudently operate its business.

¹Order No. PSC-2020-0372-CFO-EI, issued October 15, 2020, in Docket No. 20200001-EI, *In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.*

Staff has reviewed the subject information as well as the Company's confidentiality request. It is staff's opinion that the information subject to this request continues to meet the criteria for continued confidentiality contained in Section 366.093(3)(d), F.S., and Section 366.093(3)(e), F.S.