



Matthew R. Bernier
ASSOCIATE GENERAL COUNSEL

July 5, 2022

VIA ELECTRONIC FILING

Mr. Adam Teitzman, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: *Storm Protection Plan Cost Recovery Clause; Docket No. 20220010-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification for certain information contained in DEF's Response to Staff's First Request to Produce (No. 1). The filing includes the following:

- DEF's Request for Confidential Classification
- Slip-sheet for confidential Exhibit A
- Redacted Exhibit B (two copies)
- Exhibit C (justification matrix), and
- Exhibit D (affidavits of Brian Lloyd and Robert Brong-unverified)

DEF's confidential Exhibit A that accompanies the above-referenced filing was submitted with DEF's Notice of Intent to Request Confidential Classification on May 16, 2022, document number 02947-2022, under separate cover. After further review, it has been determined that the information provided in DEF's original narrative response to Staff's First Request to Produce number 1, is not confidential.

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.

Sincerely,

s/Matthew R. Bernier

Matthew R. Bernier

MRB/mw
Attachment

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm Protection Plan Cost Recovery
Clause

Docket No. 20220010-EI

Dated: July 5, 2022

**DUKE ENERGY FLORIDA LLC'S
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 Request for Confidential Classification for certain information provided in its response to the Staff of the Florida Public Service Commission’s (“Staff”) First Request to Produce Documents (No. 1), served on May 16, 2022, with DEF’s Notice of Intent to Request Confidential Classification. In support of this Request, DEF states:

1. DEF’s Response to Staff’s First Request to Produce Documents (No. 1), specifically documents bearing bates numbers 20220010-DEF-000001 through 20220010-DEF-000239, respectively, contain “proprietary confidential business information” under § 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing unredacted copies of all the documents for which DEF seeks confidential treatment. Composite Exhibit A was submitted separately in a sealed envelope labeled “CONFIDENTIAL” on May 16, 2022, with DEF’s Notice of Intent to Request Confidential Classification. In the unredacted versions, the information asserted to be confidential is highlighted in yellow.

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents 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 page and line the information for which DEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

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 at issue includes the Company’s internal processes and procedures, costs, and internal policies and guidelines, the disclosure of the information would allow vendors to have insight into DEF’s internal policies and guidelines and result in greater prices in future negotiations which would impair the Company’s competitive business interests and efforts to contract for goods and services on favorable terms. *See* § 366.093(3)(d) & (e), F.S.; Affidavits of Brian Lloyd and Robert Brong at ¶¶ 3, 4 and 5. 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* Affidavits of Brian Lloyd and Robert Brong at ¶ 6. The information has not been disclosed to the public, and the Company has treated and continues to treat the information and contracts at issue as confidential. *See* Affidavits of Brian Lloyd and Robert Brong at ¶¶ 5 and 6.

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 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 Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 5th day of July, 2022.

s/Matthew R. Bernier

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Attorneys for Duke Energy Florida, LLC

CERTIFICATE OF SERVICE
Docket No. 20200010-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by electronic mail this 5th day of July 2022, to all parties of record as indicated below.

s/ Matthew R. Bernier

 Attorney

<p>Bianca Lherisson /Shaw Stiller Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 blheriss@psc.state.fl.us sstiller@psc.state.fl.us</p> <p>Kenneth Hoffman Florida Power & Light 134 West Jefferson St. Tallahassee, FL 32301-1713 ken.hoffman@fpl.com</p> <p>Christopher T. Wright Florida Power & Light 700 Universe Boulevard (JB/LAW) Juno Beach FL 33408-0420 (561) 691-7144 (561) 691-7135 christopher.wright@fpl.com</p> <p>James W. Brew / Laura W. Baker White Springs DBA PCS Phosphate Stone Mattheis Xenopoulos & Brew, P.C. 1025 Thomas Jefferson Street, N.W. Suite 800 West Washington, DC 20007-5201 jbrew@smxblaw.com lwb@smxblaw.com</p> <p>Peter J. Mattheis Michael K. Lavanga Joseph R. Briscar Stone, Mattheis, Xenopoulos, & Brew P.C. Nucor 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 pjm@smxblaw.com mkl@smxblaw.com jrb@smxblaw.com</p>	<p>Charles Rehwinkel / Richard Gentry Office of Public Counsel c/o The Florida Legislature 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 rehwinkel.charles@leg.state.fl.us gentry.richard@leg.state.fl.us morse.stephanie@leg.state.fl.us christensen.patty@leg.state.fl.us pirrello.anastacia@leg.state.fl.us wessing.mary@leg@state.fl.us</p> <p>Paula K. Brown Tampa Electric Company Regulatory Affairs P.O. Box 11 Tampa, FL 33601-0111 regdept@tecoenergy.com</p> <p>J. Wahlen / M. Means Ausley McMullen Tampa Electric P.O. Box 391 Tallahassee, FL 32302 jwahlen@ausley.com mmeans@ausley.com</p> <p>Jon Moyle Jr./ M. Qualls FIPUG Moyle Law Firm 118 North Gadsden St. Tallahassee, FL 32301 jmoyle@moylelaw.com mqualls@moylelaw.com</p> <p>Corey Allain Nucor 22 Nucor Drive Frostproof, FL 33843 corey.allain@nucor.com</p>	<p>Mike Cassel, Vice President/Government & Regulatory Affairs FPUC 208 Wildlight Ave. Yulee, FL 32097 mcassel@fpuc.com</p> <p>Stephanie U. Eaton Walmart 110 Oakwood Drive, Suite 500 Winston-Salem, NC 27103 seaton@spilmanlaw.com</p> <p>Derrick Price Williamson Barry A. Naum Walmart SPILMAN THOMAS & BATTLE, PLLC 1100 Bent Creek Boulevard, Suite 101 Mechanicsburg, PA 17050 dwilliamson@spilmanlaw.com bnaum@spilmanlaw.com</p> <p>Beth Keating Gunster, Yoakley, & Stewart, P.A. FPUC 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 bkeating@gunster.com</p> <p>Michelle Napier Director, Regulatory Affairs Distribution FPUC 1635 Meathe Drive West Palm Beach, FL 33411 mnapier@fpuc.com</p>
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Exhibit A

“CONFIDENTIAL”

(submitted on May 16, 2022, under separate cover)

Exhibit B

REDACTED

(Copy one)

Documents bearing bates numbers
20220010-DEF-000001
through
20220001-DEF-000239
are **redacted** in their entirety.

Exhibit B

REDACTED

(Copy two)

Documents bearing bates numbers
20220010-DEF-000001
through
20220001-DEF-000239
are **redacted** in their entirety.

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Response to Staff's First Request for Production of documents (No. 1)	Q 1: 20220010-DEF-000001 through 20220010-DEF-000239, each page is confidential in its entirety.	<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 relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

Exhibit D

AFFIDAVIT OF BRIAN LLOYD

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm Protection Plan Cost Recovery
Clause

Docket No. 20220010-EI

Dated: July 5, 2022

**AFFIDAVIT OF BRIAN LLOYD IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF ORANGE

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

1. My name is Brian Lloyd. 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 General Manager in the Florida Major Projects Department. This department is responsible for planning for grid upgrades, system planning, and overall Distribution asset management strategy across DEF and the Project Management for executing the work identified.

3. DEF is seeking confidential classification for certain information provided in its response to Staff's First Request for Production of Documents (No. 1), specifically documents, bearing bates numbers 20220010-DEF-000001 through 20220010-DEF-000239. 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.

4. The confidential information at issue relates to proprietary and confidential internal processes and procedures, costs, and internal policies and guidelines. DEF must ensure that sensitive business information is kept confidential, the disclosure of which would impair the Company's competitive interests and ability to contract on favorable terms.

5. Further, if the information at issue was disclosed, DEF's efforts to obtain contracts that provide economic value to both DEF and its customers could be compromised – 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, the Company's efforts to obtain competitive contracts could be undermined and could detrimentally impact DEF's ability to negotiate favorable contracts.

6. 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. 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.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the _____ day of _____, 2022.

(Signature)

Brian Lloyd

General Manager of Florida Major Projects

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ___ day of _____, 2022 by Brian Lloyd. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.

(Signature)

(Printed Name)

NOTARY PUBLIC, STATE OF _____

(AFFIX NOTARIAL SEAL)

(Commission Expiration Date)

(Serial Number, If Any)

Exhibit D

AFFIDAVIT OF ROBERT BRONG

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm Protection Plan Cost Recovery
Clause

Docket No. 20220010-EI

Dated: July 5, 2022

**AFFIDAVIT OF ROBERT BRONG IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF SEMINOLE

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

1. My name is Robert Brong. 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 Director in the Transmission Resources and Project Management Department. This department is responsible for the execution of capital projects for grid upgrades, system planning, and Transmission asset management across Duke Energy Florida.

3. DEF is seeking confidential classification for certain information provided in its response to Staff's First Request for Production of Documents (No. 1), specifically documents, bearing bates numbers 20220010-DEF-000001 through 20220010-DEF-000239. 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.

4. The confidential information at issue relates to proprietary and confidential internal processes and procedures, costs and internal policies and guidelines. DEF must ensure that sensitive business information is kept confidential, the disclosure of which would impair the Company's competitive interests and ability to contract on favorable terms.

5. Further, if the information at issue was disclosed, DEF's efforts to obtain contracts that provide economic value to both DEF and its customers could be compromised – 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, the Company's efforts to obtain competitive contracts could be undermined and could detrimentally impact DEF's ability to negotiate favorable contracts.

6. 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. 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.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the _____ day of _____, 2022.

(Signature)
Robert Brong
Director, Transmission Resources and Project
Management

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ___ day of _____, 2022 by Robert Brong. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.

(Signature)

(AFFIX NOTARIAL SEAL)

(Printed Name)
NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)