



Dianne M. Triplett  
DEPUTY GENERAL COUNSEL

February 23, 2023

**VIA ELECTRONIC FILING**

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

Re: *Petition for approval of new clean energy impact program, a new renewable energy certificates (REC) buying program, by Duke Energy Florida, LLC.; Docket No. 20220202-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 provided in its Response to Staff of the Florida Public Service Commission’s (“Staff”) First Data Request. 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 (affidavit of Wendi Fleener)

DEF’s confidential Exhibit A that accompanies the above-referenced was submitted with DEF’s Notice of Intent to Request Confidential Classification on February 3, 2023 (document number 00861-2023), under separate cover.

Thank you for your assistance in this matter. Should have any questions, please feel free to contact me at (727) 820-4692.

Sincerely,

*/s/ Dianne M. Triplett*

Dianne M. Triplett

DMT/mw  
Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Petition for Approval of Duke Energy  
Florida, LLC's Clean Energy Impact  
Program, A New Renewable Energy  
Certificates (REC) Buying Program

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Docket No. 20220202-EI

Dated: February 23, 2023

**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 Data Request dated February 3, 2023, and served concurrently with DEF's Notice of Intent to Request Confidential Classification. This Request is timely. *See* Rule 25-22.006(3)(a)1, F.A.C. In support of this Request, DEF states:

1. DEF's Response to Staff's First Data Request, specifically questions 3a, 3c, 3d, 3e and 6c, contain information that is "confidential proprietary business information" under Section 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 February 3, 2023, document number 00861-2023. 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.

(d) Exhibit D contains affidavits attesting to the confidential nature of information identified in this request.

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 in DEF’s response to questions 3a, 3c, 3d, 3e and 6c, relate to proprietary third-party data and pricing information. The disclosure of this information could adversely affect the Company’s ability to contract on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Wendi Fleener at ¶¶ 3, 4 and 5. Furthermore, disclosure of the information could detrimentally impact DEF’s ability to negotiate favorable contracts, thereby harming its competitive interests, ultimately to its customers’ detriment. *See* § 366.093(3)(e), F.S.; Affidavit of Wendi Fleener 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* Affidavit of Wendi Fleener at ¶ 6. The information has not been disclosed to the public, and the Company has treated and continues to treat the information at issue as confidential. *See* Affidavit of Wendi Fleener at ¶ 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 23<sup>rd</sup> day of February, 2023.

*/s/ Dianne M. Triplett*  
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[FLRegulatoryLegal@duke-energy.com](mailto:FLRegulatoryLegal@duke-energy.com)

Attorneys for Duke Energy Florida, LLC

Duke Energy Florida, LLC  
**CERTIFICATE OF SERVICE**  
Docket No. 20220202-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via email this 23<sup>rd</sup> day of February, 2023, to all parties of record as indicated below.

/s/ Dianne M. Triplett  
Attorney

Shaw Stiller  
Office of General Counsel  
FL Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[stiller@psc.state.fl.us](mailto:stiller@psc.state.fl.us)

Orlando Wooten  
Division of Engineering  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[owooten@psc.state.fl.us](mailto:owooten@psc.state.fl.us)

# **Exhibit A**

**“CONFIDENTIAL”**

**(filed under separate cover on February 3, 2023  
document number 00861-2023)**

# **Exhibit B**

**REDACTED**

**(one copy)**

2. Please refer to page 1 of the proposed CEI Tariff, the section titled “Definitions” for the following questions.
- a. Explain why DEF is restricting RECs to only those generated by Utility owned renewable generation resources tied to its transmission system. As a part of this response, explain if DEF intends to expand this in the future, such as including non-DEF owned or non-grid tied renewable resources, and if so, explain what circumstances would cause this to occur (i.e., REC demand exceeding supply, etc.).

**Response:**

At this time, the only RECs included in the program are those generated from DEF-owned assets. If that were to change in the future, DEF may consider expanding the offering to include RECs from an asset where DEF has the right to the unused RECs. To avoid REC demand exceeding supply, we will set the total available RECs for the year based on a percentage of the number of expected RECs to be generated, for example, 90% of expected RECs. RECs are only generated off actual generation, so knowing that there can be severe weather, as an example, we want to be prepared that it’s possible for actuals to be less than projected.

- b. Explain if DEF is currently receiving RECs from sources other than those defined in the tariff as Renewable Energy Resources, such as through power purchase agreements with renewable generation resources not owned by the Utility. If so, detail these resources, how DEF is handling these RECs and what effect, if any, these RECs will have on the proposed program.

**Response:**

DEF is not currently receiving RECs from sources other than those defined in the tariff as Renewable Energy Resources.

3. Please refer to page 1 of the proposed CEI Tariff, the section titled “Rates,” for the following questions.

- a. Detail which tradeable market(s) DEF has investigated.

**Response:**

DEF will be using [REDACTED] to determine voluntary REC pricing for the CEI program. [REDACTED] that will be used to set CEI program annual REC pricing based on the [REDACTED]

- b. Explain how DEF will decide which tradeable market(s) will be used in setting REC prices.

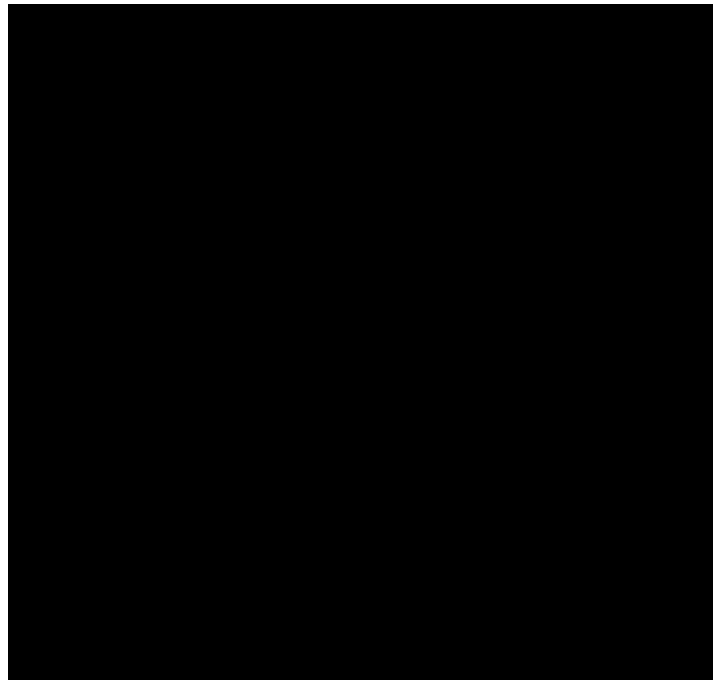
**Response:**



See the response to 3.a above.

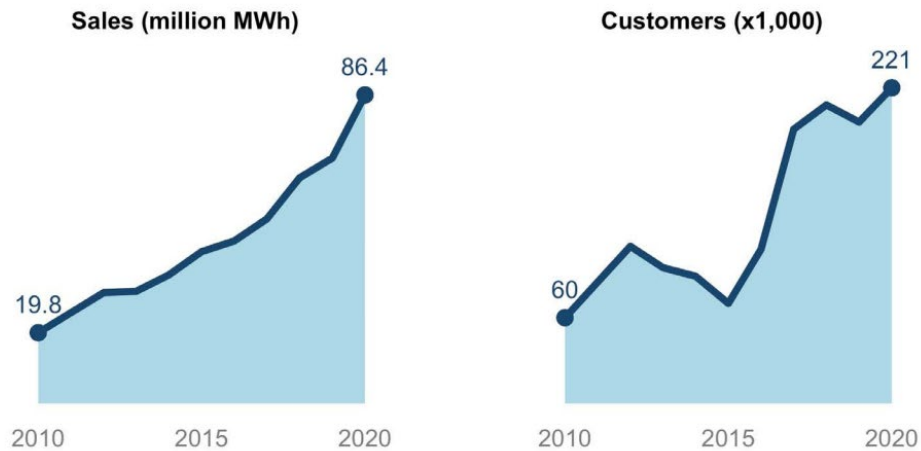
- c. For each REC market DEF investigated, please discuss the frequency and volume of REC trading that occurs and provide REC prices for the period 2019 to 2022

**Response:**



The National Renewable Energy Laboratory (NREL) published a report in September 2021 on the Status and Trends in the Voluntary Market (<https://www.nrel.gov/docs/fy22osti/81141.pdf>). The report did not speak to frequency but did highlight the substantial growth in both sales and customer participation in the voluntary REC market from 2010 to 2020.

About **221,000 customers** procured about **86.4 million MWh** of voluntary green power through unbundled RECs in 2020.



- d. Explain how DEF will ensure that it is using the most up-to-date price for RECs if the REC cost in the proposed tariff is set annually. As part of this response, detail the REC market price volatility that DEF has observed during 2022.

**Response:**

As mentioned in the response to 3a above, [REDACTED] DEF will use the [REDACTED] ranged from [REDACTED].

- e. Explain if the tradeable market(s) DEF has investigated have any restrictions on the type of renewable energy resource used in REC generation. If so, detail these restrictions. As a part of this response, detail any difference in tradeable market(s) REC prices determined by the generation resource type (i.e., solar, wind, biomass, et al.).

**Response:**

[REDACTED] does not have any restrictions on the type of renewable energy resource used in REC generation that we are aware of.

4. Please refer to page 1 of the proposed CEI Tariff, the section titled “Rates” for the following questions.
- a. Explain if DEF has any intention to refund administrative expenses to either the general body of ratepayers or program participants if the revenue collected from fees are more than administrative expenses. If not, explain why not.

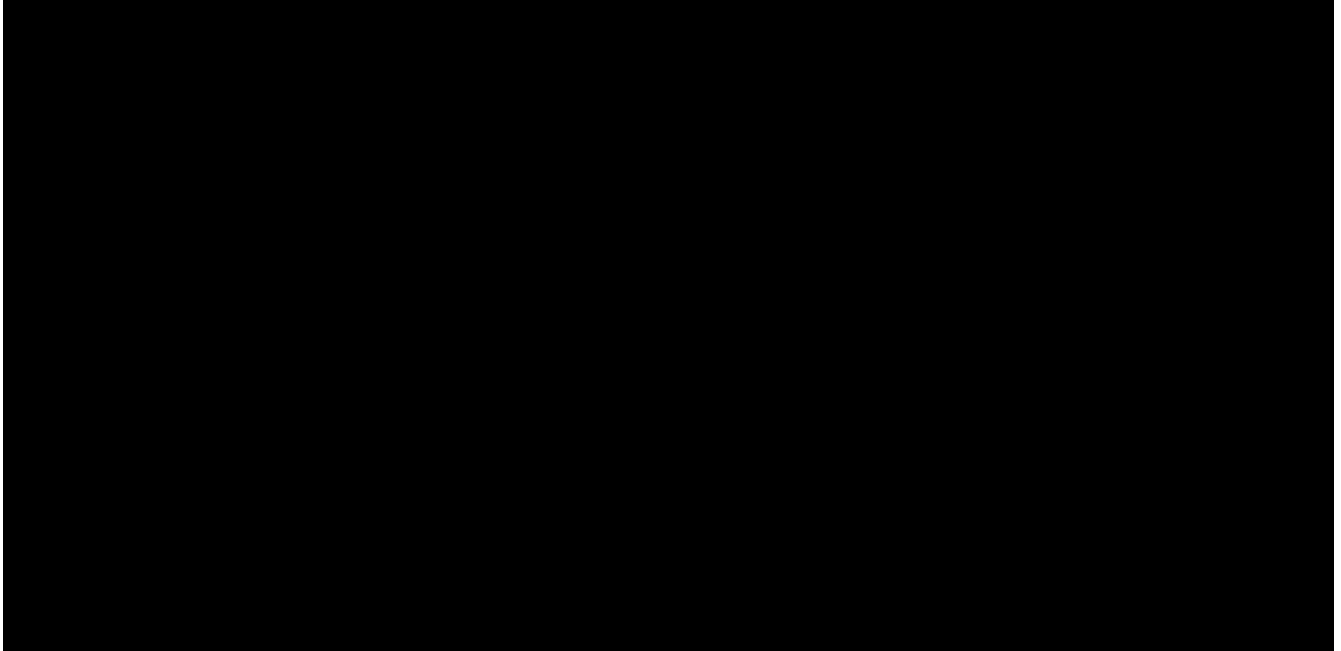
**Response:**

**Response:**

See the response 6.a.

- c. Provide the estimated annual number of RECs generated for the years 2023 – 2028.  
As a part of this response, provide the estimated annual number of RECs sold through the program for the years 2023 – 2028.

**Response:**



# **Exhibit B**

**REDACTED**

**(two copy)**

2. Please refer to page 1 of the proposed CEI Tariff, the section titled “Definitions” for the following questions.
- a. Explain why DEF is restricting RECs to only those generated by Utility owned renewable generation resources tied to its transmission system. As a part of this response, explain if DEF intends to expand this in the future, such as including non-DEF owned or non-grid tied renewable resources, and if so, explain what circumstances would cause this to occur (i.e., REC demand exceeding supply, etc.).

**Response:**

At this time, the only RECs included in the program are those generated from DEF-owned assets. If that were to change in the future, DEF may consider expanding the offering to include RECs from an asset where DEF has the right to the unused RECs. To avoid REC demand exceeding supply, we will set the total available RECs for the year based on a percentage of the number of expected RECs to be generated, for example, 90% of expected RECs. RECs are only generated off actual generation, so knowing that there can be severe weather, as an example, we want to be prepared that it’s possible for actuals to be less than projected.

- b. Explain if DEF is currently receiving RECs from sources other than those defined in the tariff as Renewable Energy Resources, such as through power purchase agreements with renewable generation resources not owned by the Utility. If so, detail these resources, how DEF is handling these RECs and what effect, if any, these RECs will have on the proposed program.

**Response:**

DEF is not currently receiving RECs from sources other than those defined in the tariff as Renewable Energy Resources.

3. Please refer to page 1 of the proposed CEI Tariff, the section titled “Rates,” for the following questions.

- a. Detail which tradeable market(s) DEF has investigated.

**Response:**

DEF will be using [REDACTED] to determine voluntary REC pricing for the CEI program. [REDACTED] that will be used to set CEI program annual REC pricing based on the [REDACTED]

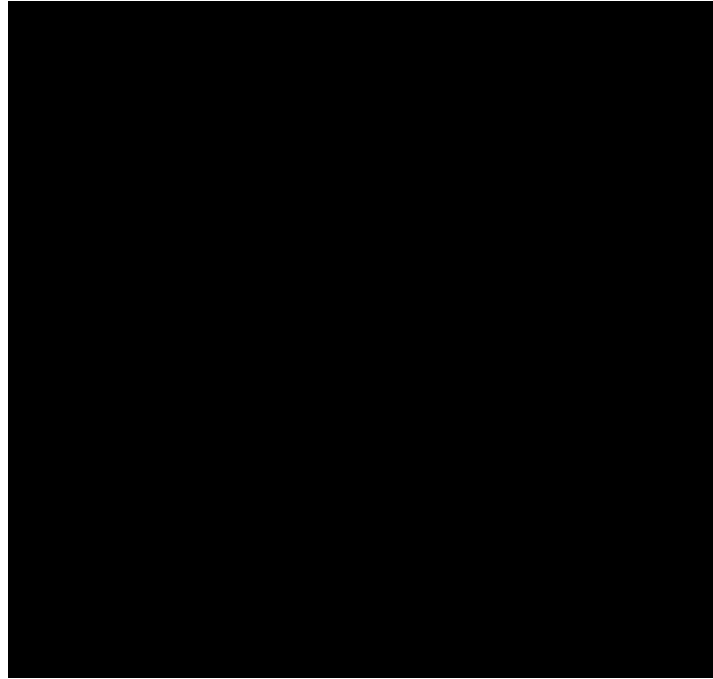
- b. Explain how DEF will decide which tradeable market(s) will be used in setting REC prices.

**Response:**

See the response to 3.a above.

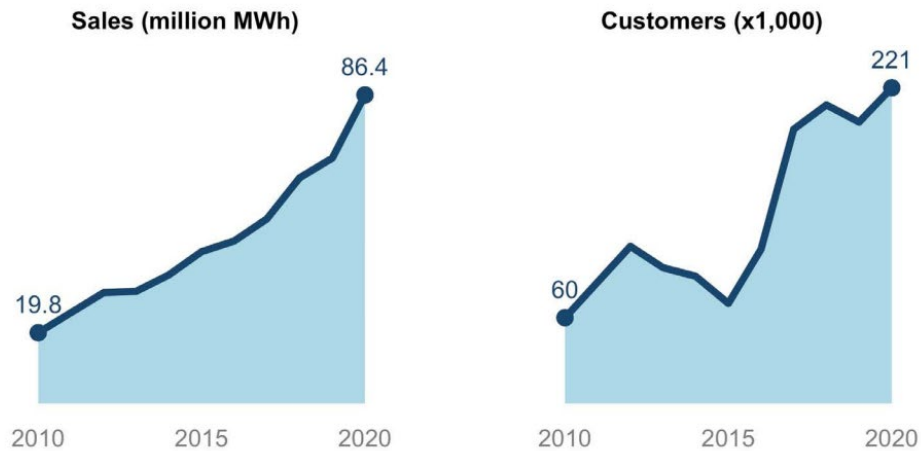
- c. For each REC market DEF investigated, please discuss the frequency and volume of REC trading that occurs and provide REC prices for the period 2019 to 2022

**Response:**



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About **221,000 customers** procured about **86.4 million MWh** of voluntary green power through unbundled RECs in 2020.



- d. Explain how DEF will ensure that it is using the most up-to-date price for RECs if the REC cost in the proposed tariff is set annually. As part of this response, detail the REC market price volatility that DEF has observed during 2022.

**Response:**

As mentioned in the response to 3a above, [REDACTED] DEF will use the [REDACTED] ranged from [REDACTED].

- e. Explain if the tradeable market(s) DEF has investigated have any restrictions on the type of renewable energy resource used in REC generation. If so, detail these restrictions. As a part of this response, detail any difference in tradeable market(s) REC prices determined by the generation resource type (i.e., solar, wind, biomass, et al.).

**Response:**

[REDACTED] does not have any restrictions on the type of renewable energy resource used in REC generation that we are aware of.

4. Please refer to page 1 of the proposed CEI Tariff, the section titled “Rates” for the following questions.
- a. Explain if DEF has any intention to refund administrative expenses to either the general body of ratepayers or program participants if the revenue collected from fees are more than administrative expenses. If not, explain why not.

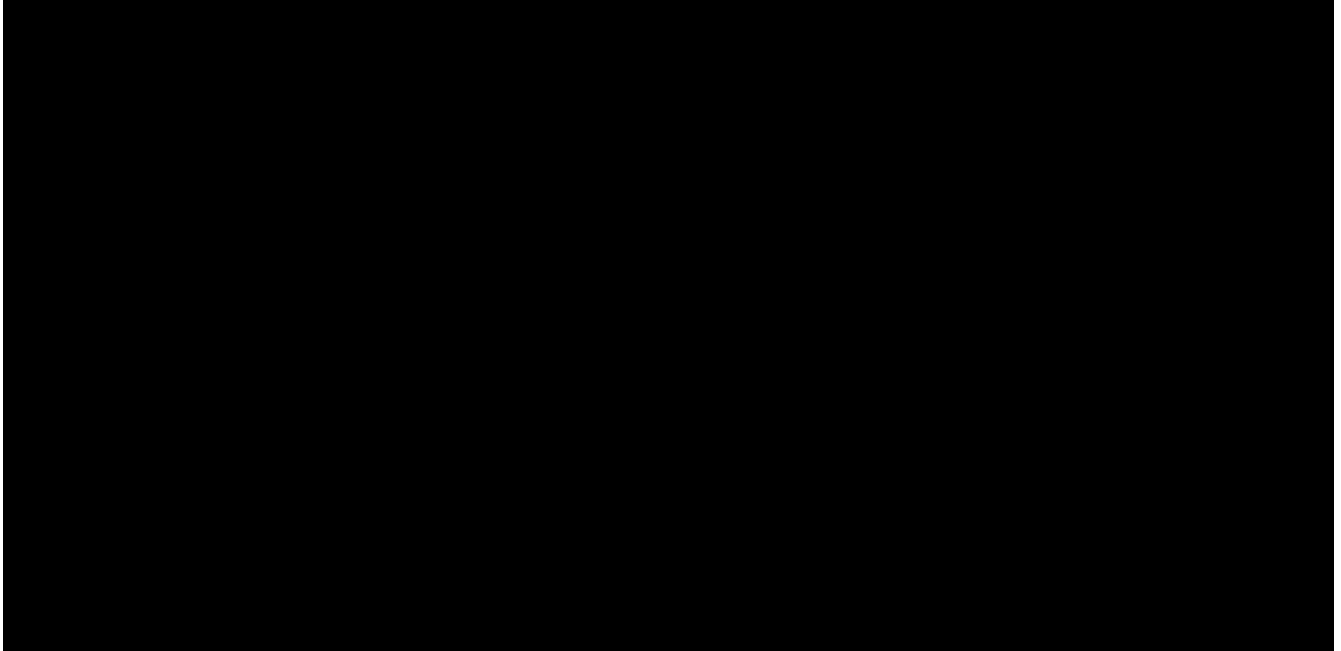
**Response:**

**Response:**

See the response 6.a.

- c. Provide the estimated annual number of RECs generated for the years 2023 – 2028.  
As a part of this response, provide the estimated annual number of RECs sold through the program for the years 2023 – 2028.

**Response:**





## Exhibit C

### DUKE ENERGY FLORIDA Confidentiality Justification Matrix

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
DEF's Response to Staff's First Data Request, specifically questions 3a, 3c, 3d, 3e and 6c	<p><b>Question 3a:</b> The information in the first sentence after "using" and before "to". The beginning of the second sentence and before "that will" and after "the" to the remaining sentence is confidential.</p> <p><b>Question 3c:</b> The entire table is confidential.</p> <p><b>Question 3d:</b> The remaining information in the first sentence after "above". The information in the second sentence after "the" and before "ranged" and the remaining sentence after "from" is confidential.</p> <p><b>Question 3e:</b> The information before "does" is confidential.</p> <p><b>Question 6c:</b> The entire table is confidential.</p>	<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 WENDI FLEENER**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Petition for Approval of Duke Energy  
Florida, LLC's Clean Energy Impact Program,  
A New Renewable Energy Certificates (REC)  
Buying Program

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Docket No. 20220202-EI

Dated: February 23, 2023

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

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Wendi Fleener. 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 of Clean Energy. I am responsible for helping customers meet their sustainability goals in Grid Systems Integration. My major duties and responsibilities include developing, implementing and the ongoing management of our customer programs throughout the Duke Energy footprint.

3. DEF is seeking confidential classification for certain information provided in its response to the Staff of the Florida Public Service Commission's ("Staff") First Data Request,

specifically questions 3a, 3c, 3d, 3e and 6c. 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 third-party information regarding proprietary data and pricing information, the disclosure of which would impair the Company's competitive business interests and efforts to contract for goods or services on favorable terms. In order to contract with third-party vendors on favorable terms, DEF must keep third-party proprietary information confidential.

5. Further, if DEF cannot demonstrate to its third-party vendors and others that may enter into 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.

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 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.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the 16 day of February, 2023.

Wendi Fleener  
(Signature)  
Wendi Fleener  
Director – Clean Energy

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 16 day of February, 2023 by Wendi Fleener. She is personally known to me or has produced her North Carolina driver's license, or her \_\_\_\_\_ as identification.

Lauren A. Padilla  
(Signature)

Lauren A. Padilla  
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF NC

March 3rd, 2027  
(Commission Expiration Date)

\_\_\_\_\_  
(Serial Number, If Any)

