

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20230001-EI

Dated: July 19, 2023

**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 its First Request for Extension of Confidential Classification (the “Request”) for material contained in Mr. James McClay’s confidential direct testimony and DEF’s 2022 Risk Management Plan, filed on July 27, 2021 and included in Volume 2 of the transcript of the final hearing conducted in Docket No. 20210001-EI on November 2, 2021. In support of this Request, DEF states:

1. On July 27, 2021, DEF filed a Request for Confidential Classification for certain information contained in DEF’s 2022 Risk Management Plan including attachments A, B, C, D, E, F, and G and certain information contained in the direct testimony of James McClay. Order No. PSC-2022-0019-CFO-EI granted the Request on January 12, 2022. Mr. McClay’s confidential direct testimony and DEF’s 2022 Risk Management Plan including attachments A, B, C, D, E, F, and G was included in Volume 2 of the transcript of the final hearing conducted in Docket No. 20210001 on November 2, 2021 (Document No. 12540-2021) is the same information granted by Order No. PSC-2022-0019-CFO-EI, as it contains “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

2. On January 21, 2022, Order No. PSC-2022-0038-CFO-EI was entered for the confidential material contained in Mr. McClay's direct testimony and DEF's 2022 Risk Management Plan included in Volume 2 of the transcript of the hearing held on November 2, 2021. The period of confidential treatment granted by that order will expire on July 21, 2023. 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 direct testimony of James McClay included in Volume 2 of the transcript of the final hearing conducted in Docket No. 20210001 on November 2, 2021 (Document No. 12540-2021), Request¹ continues to be "proprietary confidential business information" within the meaning of section 366.093(3), F.S. and continues to require confidential classification. *See* Affidavit of James McClay 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 James McClay ¶¶ 5-7.

4. Nothing has changed since the issuance of Order No. PSC-2022-0038-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

¹ DEF hereby incorporates Exhibits A, B, and C to the original Request regarding Volume 2 of the transcript of the hearing held on November 2, 2021, in Docket Number 20210001 and granted by Order No. 2022-0038-CFO-EI as if attached hereto.

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 Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 19th day of July, 2023.

/s/ Stephanie A. Cuello

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Docket No.: 20230001-EI
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 19th day of July, 2023 to all parties of record as indicated below.

/s/ Stephanie A. Cuello
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
JAMES MCCLAY**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20230001-EI

Dated: July 19, 2023

**AFFIDAVIT OF JAMES MCCLAY IN SUPPORT OF
DUKE ENERGY FLORIDA'S
REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is James McClay. 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 Extension of Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Managing Director of Natural Gas Trading. This section is responsible for natural gas, power, fuel oil and emission allowance activity for the Duke Energy Indiana ("DEI"), Duke Energy Kentucky ("DEK"), Duke Energy Carolinas ("DEC"), Duke Energy Progress ("DEP"), and DEF Systems.

3. As the Managing Director of Natural Gas Trading, I am responsible, along with the other members of the section, for the management of the financial hedging activities, natural gas and oil procurement, needed to support the gas generation needs for DEI, DEK, DEC, DEF and DEP.

4. DEF is seeking an extension of confidential classification of certain information contained in my direct testimony and DEF's 2022 Risk Management Plan including Attachments A, B, C, D, E, F, and G included in Volume 2 of the transcript of the final hearing conducted in docket number 20210001-EI on November 2, 2021 (Document No, 12540-2021). There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix Exhibit C attached to DEF's Request for Confidential Classification for DEF's 2022 Risk Management Plan including attachments A, B, C, D, E, F, and G and certain information in the direct testimony of James McClay. 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 efforts to contract for goods or services on favorable terms.

5. DEF negotiates with potential fuel suppliers to obtain competitive contracts for fuel options that provide economic value to DEF and its customers. In order to obtain such contracts, however, sensitive business information, such as forecasted volumes, hedging percentages, internal policies and guidelines, collateral summaries and unrealized forecasted hedge values, must be kept confidential. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed confidential information such as forecasted costs, hedging volumes, hedging percentages, internal policies and guidelines, collateral summaries and unrealized forecasted hedge values. Without DEF's measures to

maintain the confidentiality of sensitive terms, the Company's efforts to obtain competitive fuel supply contracts could be undermined, because potential fuel suppliers could simply offer the highest prices that would allow them to maintain marginally competitive position against the disclosed volumes and percentages.

6. Additionally, the disclosure of confidential information in DEF's forecasted fuel volumes and hedging percentages, could adversely impact DEF's competitive business interests. If such information was disclosed to DEF's competitors, DEF's efforts to obtain competitive fuel supply options that provide economic value to both DEF and its customers could be compromised by DEF's competitors changing their consumption or purchasing behavior within the relevant markets.

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 contracts and information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information and contracts at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 10th day of July, 2023.

James McClay
James McClay
Managing Director – Natural Gas Trading
Duke Energy
525 South Church
Charlotte, NC 28202

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 10 day of July, 2023 by James McClay. He is personally known to me, or has produced his North Carolina driver's license, or his _____ as identification.

Katelyn M Connors
(Signature)

Katelyn M. Connors
(Printed Name)

NOTARY PUBLIC, STATE OF North Carolina

July 25, 2026
(Commission Expiration Date)

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

