



Matthew R. Bernier
Associate General Counsel

August 16, 2023

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. 20230001-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 certain information provided in its Response to Staff’s First Data Request, filed in docket no. 20210001-EI and Revised Exhibit D, Affidavit of Jim McClay. 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 exhibit 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

Matthew R. Bernier

MRB/clg
Enclosures

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: August 16, 2023

**DUKE ENERGY FLORIDA, LLC'S
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, LLC, (“DEF” or “the 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 for certain information provided in DEF’s Response to Staff’s First Data Request, dated July 14, 2021, 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. On August 4, 2021, DEF filed a Request for Confidential Classification for DEF’s Response to Staff’s First Data Request, specifically question 11, contains “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

2. DEF’s August 4, 2021, Request was granted by Order No. PSC-2022-0067-CFO-EI on February 18, 2022. The period of confidential treatment granted by that order will expire on August 18, 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 information contained in DEF’s Response to Staff’s First Data

Request, specifically question 11, identified in Exhibit “A” and Exhibit “C” to the August 4, 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 ¶¶ 4-5, 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-2022-0067-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 16th day of August, 2023.

/s/ Matthew R. Bernier
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¹ DEF hereby incorporates Exhibits A, B, and C to the original Request, Document No. 08455-2021 submitted on July 29, 2021, in Docket Number 20210001-EI as if attached hereto.

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Attorneys for Duke Energy Florida, LLC

CERTIFICATE OF SERVICE

Docket No.: 20230001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 16th day of August, 2023, to all parties of record as indicated below.

/s/ Matthew R. Bernier

Attorney

<p>Suzanne Brownless Ryan Sandy Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us rsandy@psc.state.fl.us</p> <p>J. Wahlen / M. Means / V. Ponder Ausley McMullen Tampa Electric Company P.O. Box 391 Tallahassee, FL 32302 jwahlen@ausley.com mmeans@ausley.com vponder@ausley.com</p> <p>Kenneth A. Hoffman Florida Power & Light Company 134 W. Jefferson Street Tallahassee, FL 32301-1713 ken.hoffman@fpl.com</p> <p>Jon C. Moyle, Jr. Moyle Law Firm, P.A. FIPUG 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com mqualls@moylelaw.com</p>	<p>W. Trierweiler / P. Christensen/C. Rehwinkel / M. Wessling Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 christensen.patty@leg.state.fl.us rehwinkel.charles@leg.state.fl.us wessling.mary@leg.state.fl.us Trierweiler.walt@leg.state.fl.us</p> <p>Paula K. Brown Regulatory Affairs Tampa Electric Company P.O. Box 111 Tampa, FL 33601-0111 regdept@tecoenergy.com</p> <p>Maria Moncada / David Lee Florida Power & Light Company 700 Universe Blvd. (LAW/JB) Juno Beach, FL 33408-0420 david.lee@fpl.com maria.moncada@fpl.com</p> <p>James Brew / Laura W. Baker Stone Mattheis Xenopoulos & Brew, P.C. White Springs/PCS Phosphate 1025 Thomas Jefferson St., N.W. Eighth Floor, West Tower Washington, DC 20007 jbrew@smxblaw.com lwb@smxblaw.com</p> <p>William C. Garner, Esq. Law Office of William C. Garner, PLLC 3425 Bannerman Road Unit 105, No. 414 Tallahassee, FL 32312 bgarner@weglawoffice.com</p>	<p>Mike Cassel Florida Public Utilities Company 208 Wildlight Avenue Yulee, FL 32097 mcassel@fpuc.com</p> <p>Michelle D. Napier Florida Public Utilities Company 1635 Meathe Drive West Palm Beach, FL 33411 mnapiers@fpuc.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>Robert Scheffel Wright John T. LaVia, III Florida Retail Federation Gardner, Bist, Bowden, Dee, LaVia, Wright, Perry, & Harper, P.A. 1300 Thomaswood Drive Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com</p> <p>Peter J. Mattheis / Michael K. Lavanga Joseph R. Briscar Nucor c/o Stone Mattheis Xenopoulos & Brew, PC 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 pjm@smxblaw.com mkl@smxblaw.com jrb@smxblaw.com</p>
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Exhibit A

“CONFIDENTIAL”

(on file)

Exhibit B

REDACTED

(on file)

DUKE ENERGY FLORIDA
Confidentiality Justification Matrix
(On file)

**Revised
Exhibit D**

**AFFIDAVIT OF
JIM 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: August 16, 2023

**AFFIDAVIT OF JAMES MCCLAY IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'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 for information contained in its Response to Staff's First Data Request, specifically question 11, submitted on August 4, 2021, in docket number 20210001. There are no changes to the information contained in DEF's confidential Exhibit A, redacted Exhibit B, and justification matrix Exhibit 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 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 specific commodity and transportation costs, must be kept confidential. With respect to the information at issue in this Request, DEF has kept confidential and has not publicly disclosed this confidential information. Without DEF's measures to maintain the confidentiality of sensitive information, 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 a marginally competitive position against the disclosed costs.

6. Additionally, the disclosure of confidential commodity and transportation information 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.

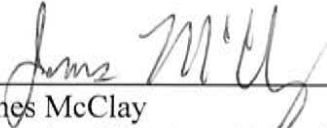
7. Upon receipt of its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including restricting access to those persons who need the information to assist the Company, and restricting the 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 15 day of August, 2023.





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 15 day of August, 2023 by James McClay. He is personally known to me, or has produced his North Carolina driver's license, or his _____ as identification.

Shamell M. Wilson
(Signature)

Shamell M. Wilson
(Printed Name)

NOTARY PUBLIC, STATE OF NC

July 06, 2026
(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)

(Serial Number, If Any)

