

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC,
for limited proceeding for recovery of
incremental storm restoration costs related
to Hurricanes Elsa, Eta, Isaias, Ian, Nicole
and Tropical Storm Fred

Docket No. 20230020-EI

Dated: December 5, 2023

**DUKE ENERGY FLORIDA, LLC'S
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Duke Energy Florida, LLC (“DEF” or the “Company”), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6)(c), Florida Administrative Code, moves the Commission for entry of a temporary protective order exempting from public disclosure pursuant to Section 119.07(1), Florida Statutes, certain confidential documents and information sought in discovery by the Office of Public Counsel (“OPC”). In support of its Motion, the Company states as follows:

1. In its November 16, 2023, Second Request for Production of Documents (No. 36), OPC has requested all of the workpapers supporting the PricewaterhouseCoopers’ Report of Independent Accountants filed in this docket as Exhibit No. __ (CAM-1) on or about September 29, 2023. Protection of this proprietary, third-party-owned information is requested because public disclosure of this information could adversely affect the Company’s competitive business interests and efforts to contract for goods or services on favorable terms, and moreover, the release of this information could adversely impact the proprietary rights of third parties, therefore impacting the company’s competitive interest and having a detrimental impact on

DEF's customers. Disclosure of this information may cause harm to the company's business operations and this information has not been otherwise disclosed or released to the public. *See* Section 366.093(3)(a)-(e), Florida Statutes.

2. On December 5, 2023, DEF served its response to OPC's Second Request for Production of Documents and stated the requested workpapers would be produced for inspection at an agreed upon date and time. DEF understands that OPC and PWC are working together to establish a mutually agreeable review schedule. The documents responsive to the request for production contain confidential proprietary information, and detailed findings that have not been publicly disclosed, and accordingly seeks a Temporary Protective Order to protect the requested documents and information against public disclosure.

3. Rule 25-22.006, Florida Administrative Code, provides for protection of this type of information when a utility allows OPC to inspect or take possession of such information in the course of discovery. Subsection (6)(c) of this rule states:

(c) When a utility or other person agrees to allow Public Counsel to inspect or take possession of utility information for the purpose of determining what information is to be used in a proceeding before the Commission, the utility may request a temporary protective order exempting the information from Section 119.07(1), F.S. If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission, then Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

4. DEF requests a temporary protective order to allow OPC access to the confidential information and documents while protecting the economic interests of DEF and its customers from the harm that would result from public disclosure of the above-referenced

confidential information and documents. DEF will work with the parties to this proceeding to identify any confidential information and/or documents to be used at the final hearing in this docket and to request confidential classification as specified in the rule.

5. DEF maintains the confidential information and has not been publicly disclosed.

6. Pursuant to Rule 28-106.204(3), F.A.C., DEF conferred with the parties of record and is authorized to represent that OPC supports the Motion and PSC Staff has no position.

WHEREFORE, DEF requests that the Commission enter an Order granting its Motion for Temporary Protective Order relating to information and documents identified as confidential while maintaining the confidentiality of that information and documents.

Respectfully submitted this 5th day of December, 2023.

/s/ Matthew R. Bernier

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 5th day of December, 2023.

/s/ Matthew R. Bernier
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