

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: January 5, 2024

TO: Suzanne S. Brownless, Special Counsel, Office of the General Counsel

FROM: Lee Smith, Public Utility Analyst IV, Division of Economics

RE: Duke Energy Florida- Docket No. 20190140-EI - Confidentiality Request Extension - Document No. 03445-2020

On December 19, 2023, pursuant to Section 366.093, Florida Statutes (F.S), and Rule 25-22.006, Florida Administrative Code, Duke Energy Florida (DEF or Company) requested a second extension of confidential classification for information contained in documents produced in response to Staff's 8th Request for Production of Documents (Nos. 25-26). Specifically, the material that is the subject of this confidentiality request appears in Document No. 03445-2020 as Bates Nos. DEF RESP STAFF 8TH POD - 000434 through DEF RESP STAFF 8TH POD - 000443.

On June 30, 2020, DEF filed the original Request for Confidential Classification related to this document. DEF's Request was granted by Order No. PSC-2020-0353-CFO-EI on October 9, 2020. Subsequently, on March 29, 2022, DEF filed its First Request for Extension of Confidential Classification for this document. That request was granted by Order No. PSC-2022-0237-CFO-EI on June 27, 2022.

The Company is claiming confidentiality for highlighted information appearing in Document No. 03445-2020 under Section 366.093(3)(d) and (e), F.S. Per the Statute, propriety of confidential business information includes, but is not limited to: Subsection (d) "Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms," and subsection (e) "Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information." Information provided in Document No. 03445-2020 for which confidential treatment is being sought includes sensitive confidential information concerning contractual business information and obligations under a contract between DEF, ADP CR3, LLC and ADP SF1, LLC for decommissioning activities related to the accelerated decommissioning of the DEF Crystal River Unit 3 Nuclear Plant. Furthermore, DEF maintains that the information provided in Document No. 03445-2020 has not been publicly disclosed.

Staff has reviewed the information contained in the documents produced by DEF, as well as the Company's confidentiality request. In staff's opinion, the information that is the subject of the confidentiality request does meet the criteria for confidentiality contained in Section

366.093(3)(d) and (e), F.S. Therefore, staff recommends that the request for extension of confidentiality of certain information included in Document No. 03445-2020 be approved.



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-M-E-M-O-R-A-N-D-U-M-

DATE: December 20, 2023

TO: Division of Economics, Office of Primary Responsibility

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO: 20190140-EI

DOCUMENT NO: 03445-2020

DESCRIPTION: Duke Energy (Hernandez) - (CONFIDENTIAL) Information contained in the document produced as Bates Nos. DEF RESP STAFF 8TH POD - 000434 through DEF RESP STAFF 8TH POD - 000443, in response to staff's 8th request for PODs (Nos. 25-26).

SOURCE: Duke Energy Florida, LLC

The above confidential material was filed along with a second request for extension of confidential classification. Please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
- (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms;
 - (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information;
 - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by /s/ Gary L Smith II on January 5, 2024, a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.