

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-**

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**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. 03316-2020

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On December 20, 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 certain highlighted information contained in documents produced by DEF in preparation for the Office of Public Council's (OPC) June 24, 2020 deposition of Jeff Adix. Specifically, DEF seeks confidential treatment for Document No. 03316-2020, Bates Nos. ADIX DEP DT 00001 through ADIX DEP DT 00342.

On July 15, 2020, DEF filed the original Request for Confidential Classification related to this document. DEF's Request was granted by Order No. PSC-2020-0359-CFO-EI on October 9, 2020. Subsequently, on March 29, 2021, DEF filed its First Request for Extension of Confidential Classification for this document. That request was granted by Order No. PSC-2022-0228-CFO-EI on June 27, 2022.

In the current request for extension, the Company is claiming confidentiality for certain information appearing in Document No. 03316-2020 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. 03316-2020 for which confidential treatment is being sought includes commercially sensitive confidential information concerning contractual obligations reflected in the contract between DEF, ADP CR3, LLC and ADP SF1, LLC. The contract between these parties relates to the accelerated decommissioning activities for the DEF Crystal River Unit 3 Nuclear Plant.

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 current request for extension of confidentiality of certain information included in Document No. 03316-2020 be approved.



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**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: 03316-2020

DESCRIPTION: Duke Energy (Hernandez) - (CONFIDENTIAL) Certain information contained in documents produced in response to OPC's notice of deposition duces tecum (DN 03229-2020) of Jeff Adix, scheduled to be held [6/24/20] at 1:00 p.m.; specifically, Bates Nos. ADIX DEP DT 00001 through ADIX DEP DT 00342.

SOURCE: Duke Energy Florida, LLC

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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.