

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. 03314-2020

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 information contained in documents produced by DEF in preparation for the Office of Public Counsel's (OPC) June 25, 2020 deposition of DEF witness Terry Hobbs and Revised Exhibit D, Affidavit of Gene Flavors, Jr., specifically information appearing within amended Exhibit A of such documents. The material that is the subject of this request is found in Document No. 03792-2020, Bates Nos. Hobbs DEP DT 00001 through Hobbs DEP DT – 00050. This document is cross referenced to Document No. 03314-2020.

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-2020-0355-CFO-EI on October 9, 2020. Subsequently, on April 4, 2022, DEF filed its First Request for Extension of Confidential Classification for this document. That request was granted by Order No. PSC-2022-0235-CFO-EI on June 27, 2022.

The Company is claiming confidentiality for certain information contained within the amended Exhibit A of materials produced by DEF in preparation of DEF witness Terry Hobbs deposition, under Section 366.093(3), F.S. Per the referenced Statute, propriety of confidential business information includes, but is not limited to: Subsections (d) "[i]nformation 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 (e) "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." The information provided in the aforementioned exhibit for which confidential treatment is being sought can be described as competitively sensitive information related to contractual business obligations included in the decommissioning contract between DEF, ADP CR3, LLC and ADP SF1, LLC. The Company asserts that the disclosure of this information would impair DEF's efforts to contract for goods or services on favorable terms.

Staff has reviewed the information within amended Exhibit A of materials produced by DEF in preparation for the deposition of DEF witness Terry Hobbs, 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 the aforementioned information included in Document No. 03792-2020, and cross referenced to Document No. 03314-2020, 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: 03314-2020

DESCRIPTION: Duke Energy (Hernandez) - (CONFIDENTIAL) Exh A, certain information contained in documents produced in response to OPC's notice of deposition duces tecum (DN 03229-2020) of Terry Hobbs, scheduled to be held 6/25/20; specifically, Bates Nos. HOBBS DEP DT - 00001 through HOBBS DEP DT - 00050. [CLK note: See DN 03792-2020 for Amended Exh A, which replaces this document.]

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.