



Matthew R. Bernier  
ASSOCIATE GENERAL COUNSEL

January 18, 2024

**VIA ELECTRONIC FILING**

Mr. Adam Teitzman, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: *Review of Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Duke Energy Florida, LLC.; Docket No. 20220050-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 contained in DEF’s Response to the Office of Public Counsel’s (“OPC”) Third Request to Produce (Nos. 35-41) and Revised Exhibit D, Affidavit of Christopher Menendez. 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 exhibits 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.

Sincerely,

*/s/Matthew R. Bernier*

Matthew R. Bernier

MRB/mw  
Attachments

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Review of Storm Protection Plan  
Plan Pursuant to Rule 25-6.030, F.A.C., Duke  
Energy Florida, LLC

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Docket No. 20220050-EI

Dated: January 18, 2024

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

Duke Energy Florida, LLC (“DEF” or “Company”), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this First Request for Extension of Confidential Classification for certain information provided in its response to the Office of the Public Counsel’s (“OPC”) Third Request to Produce Documents (Nos. 35-41). In support of this Request, DEF states:

1. On June 6, 2022, DEF filed its Request for Confidential Classification (document number 03450-2022), for certain information contained in DEF’s Response to OPC’s Third Request to Produce Documents (Nos. 35-41), specifically documents responsive to question 39, bearing bates numbers 20200050-DEF-005285 through 20200050-DEF-005319, respectively, contain “proprietary confidential business information” under § 366.093(3), Florida Statutes.

2. DEF’s June 6, 2022 Request was granted by Order No. PSC-2022-0283-CFO-EI on July 21, 2022. The period of confidential treatment granted by that order will expire on January 22, 2024. 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 portions of the information at issue includes proprietary and confidential internal presentations, internal management deliberations,

costs, and processes and procedures identified in Exhibit “A” and Exhibit “C” to the June 6, 2022, Request<sup>1</sup> 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 Christopher Menendez at ¶¶ 4, 5 and 6, 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 Christopher Menendez at ¶ 7.

4. Nothing has changed since the issuance of Order No. PSC-2022-0283-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 18<sup>th</sup> day of January, 2024.

/s/Matthew R. Bernier

**DIANNE M. TRIPLETT**  
Deputy General Counsel  
299 1<sup>st</sup> Avenue North  
St. Petersburg, Florida 33701  
T: (727) 820-4692  
F: (727) 820-5041  
E: [dianne.triplett@duke-energy.com](mailto:dianne.triplett@duke-energy.com)

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<sup>1</sup>DEF hereby incorporates Exhibits A, B, and C to the Request, Document No. 03450-2022 submitted on June 6, 2022 in docket no. 2022050-EI as if attached hereto.

**MATTHEW R. BERNIER**

Associate General Counsel  
106 East College Avenue, Suite 800  
Tallahassee, Florida 32301  
T: (850) 521-1428  
F: (727) 820-5041  
E: [matthew.bernier@duke-energy.com](mailto:matthew.bernier@duke-energy.com)

**STEPHANIE A. CUELLO**

Senior Counsel  
106 East College Avenue, Suite 800  
Tallahassee, Florida 32301  
T: (850) 521-1425  
F: (727) 820-5041  
E: [stephanie.cuello@duke-energy.com](mailto:stephanie.cuello@duke-energy.com)  
[FLRegulatoryLegal@duke-energy.com](mailto:FLRegulatoryLegal@duke-energy.com)

Attorneys for Duke Energy Florida, LLC

**CERTIFICATE OF SERVICE**  
**Docket No. 20200050-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by electronic mail this 18<sup>th</sup> day of January, 2024, to all parties of record as indicated below.

\_\_\_\_\_  
*/s/ Matthew R. Bernier*

Attorney

<p>Jacob Imig Adria Harper Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:jimig@psc.state.fl.us">jimig@psc.state.fl.us</a> <a href="mailto:aharper@psc.state.fl.us">aharper@psc.state.fl.us</a></p> <p>Jon C. Moyle, Jr. Karen A. Putnal FIPUG Moyle Law Firm 118 North Gadsden Street Tallahassee, FL 32301 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a> <a href="mailto:kputnal@moylelaw.com">kputnal@moylelaw.com</a> <a href="mailto:mqualls@moylelaw.com">mqualls@moylelaw.com</a></p> <p>Stephanie U. Eaton Walmart Spilman Thomas &amp; Battle, PLLC 110 Oakwood Drive, Suite 500 Winston-Salem, NC 27103 <a href="mailto:seaton@spilmanlaw.com">seaton@spilmanlaw.com</a></p> <p>Derrick Price Williamson Steven W. Lee Walmart Spilman Thomas &amp; Battle, PLLC 1100 Bent Creek Boulevard, Suite 101 Mechanicsburg, PA 17050 <a href="mailto:dwilliamson@spilmanlaw.com">dwilliamson@spilmanlaw.com</a> <a href="mailto:slee@spilmanlaw.com">slee@spilmanlaw.com</a></p>	<p>Charles Rehwinkel Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 <a href="mailto:rehwinkel.charles@leg.state.fl.us">rehwinkel.charles@leg.state.fl.us</a></p> <p>James Brew / Laura W. Baker Stone Mattheis Xenopoulos &amp; Brew, P.C. White Springs/PCS Phosphate 1025 Thomas Jefferson St., N.W. Eighth Floor, West Tower Washington, DC 20007 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:lwb@smxblaw.com">lwb@smxblaw.com</a></p> <p>Peter J. Mattheis Michael K. Lavanga Joseph R. Briscar Nucor Steel Florida, Inc. Stone Mattheis Xenopoulos &amp; Brew, PC 1025 Thomas Jefferson Street, NW Suite 800 West Washington, DC 20007-5201 <a href="mailto:pjm@smxblaw.com">pjm@smxblaw.com</a> <a href="mailto:mkl@smxblaw.com">mkl@smxblaw.com</a> <a href="mailto:jrb@smxblaw.com">jrb@smxblaw.com</a></p>
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# **Exhibit A**

**“CONFIDENTIAL”**

**(On file)**

# **Exhibit B**

**REDACTED**

**(On file)**

## **Exhibit C**

**DUKE ENERGY FLORIDA  
Confidentiality Justification Matrix  
(On file)**



**Revised  
Exhibit D**

**AFFIDAVIT OF  
CHRISTOPHER MENENDEZ**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Review of Storm Protection Plan  
Plan Pursuant to Rule 25-6.030, F.A.C., Duke  
Energy Florida, LLC

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Docket No. 20200050-EI

Dated: January 18, 2024

**AFFIDAVIT OF CHRISTOPHER MENENDEZ IN SUPPORT OF  
DUKE ENERGY FLORIDA, LLC'S  
FIRST REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Christopher Menendez, who being first duly sworn, on oath deposes and says that:

1. My name is Christopher Menendez. 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 First 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 Director of Rates and Regulatory Planning in the Rates and Regulatory Strategy Department. This department is responsible for the Company's revenue requirements and rate impacts, regulatory planning, and cost recovery.

3. As the Director of Rates and Regulatory Planning, I am responsible for the Company's regulatory planning and cost recovery, including the Company's Storm Protection Plan filing.

4. DEF is seeking its first extension of confidential classification for certain information provided in its response to OPC's Third Request for Production of Documents (Nos. 35-41), specifically question 39, bearing bates numbers 20200050-DEF-005285 through 20200050-DEF-319. The confidential information at issue is contained in confidential Exhibit A to DEF's Request and is outlined in DEF's Justification Matrix that is attached to DEF's Request as Exhibit C. DEF is requesting its first 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 ability to contract for goods and services on favorable terms.

5. The confidential information at issue relates to proprietary and confidential internal presentations, rates, costs, processes, and procedures. DEF must ensure that sensitive business information is kept confidential, the disclosure of which would impair the Company's competitive interests and ability to contract on favorable terms.

6. Further, if the information at issue was disclosed, DEF's efforts to obtain contracts that provide economic value to both DEF and its customers could be compromised by competitors and vendors changing their purchasing behavior within the relevant markets – harming DEF's ability to prudently operate its business. DEF has not publicly disclosed the information. Without DEF's measures to maintain the confidentiality of this sensitive business information, could detrimentally impact DEF's ability to negotiate favorable contracts, as third parties may begin to demand a "premium" to do business with DEF to account for the risk that its proprietary information will become a matter of public record, thereby harming DEF's competitive interests and ultimately its customers' financial interests.

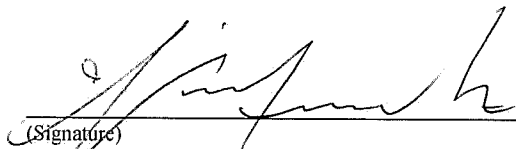
7. Upon receipt of its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information

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 information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information at issue as confidential.


8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 16<sup>th</sup> day of January 2024.

  
\_\_\_\_\_  
(Signature)  
Christopher Menendez  
Director of Rates & Regulatory Planning  
Rates & Regulatory Strategy

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 16<sup>th</sup> day of January, 2024 by Christopher Menendez. He is personally known to me or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
(Signature)  
Monique Hampton  
\_\_\_\_\_  
(Printed Name)

(AFFIX NOTARIAL SEAL)



NOTARY PUBLIC, STATE OF \_\_\_\_\_  
June 28, 2027  
\_\_\_\_\_  
(Commission Expiration Date)  
\_\_\_\_\_  
(Serial Number, If Any)