

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC
for rate increase

DOCKET NO. 20240025-EI

Dated: May 6, 2024

**DUKE ENERGY FLORIDA, LLC'S
REQUEST FOR 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 Request for Confidential Classification for certain information contained in its Responses to OPC’s First Request for Production of Documents (Nos. 1-26) and OPC’s First Set of Interrogatories (Nos. 1-60), concurrently with DEF’s Notice of Intent to Request Confidential Classification. This Request is timely. *See* Rule 25-22.006(3)(a)1, F.A.C.. In support of this Request, DEF states:

1. Information contained in DEF’s Response to OPC’s First Request for Production of Documents, specifically Questions 2, 7, 8, 10 through 12, 15 through 17, 22, and 23, and in DEF’s Response to OPC’s First Set of Interrogatories, specifically Questions 2, 7, 8, 40, 52, 54, and 55, contain information that is “confidential proprietary business information” under Section 366.093(3), F.S.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing unredacted copies of all documents for which DEF seeks confidential treatment. Composite Exhibit A was submitted separately in a sealed envelope labeled “CONFIDENTIAL” on April 17, 2024. In the unredacted versions, the information asserted to be confidential is highlighted in

yellow.

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Exhibit C is a table which identifies by page and line the information for which DEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

(c) Exhibit D are affidavits of Aquilina, Anderson, Buck, Burnette, Caldwell, Goff, Lloyd, Newlin, O'Hara, Scott, and Triplett, attesting to the confidential nature of the information identified in Exhibit C.

3. As indicated in Exhibit C, the information for which DEF requires confidential classification is "proprietary confidential business information" within the meaning of § 366.093(3), F.S. Specifically:

(a) The information at issue in DEF's responses to OPC's First Request for Production of Documents, Questions 7, 11, 12, 15, 16, 17, and 22, and OPC's First Set of Interrogatories, Questions 7, 8, 52, 54, and 55, includes Board of Director meeting minutes, long-term strategic and financial plans, affiliate costs and charges (to include projections), future projects and capital investments, and settlement amounts and terms. Absent confidential classification, competitors would have access to this sensitive business information, which may impair DEF's ability to effectively compete in the marketplace.

(b) The information at issue in DEF's response to OPC's First Request for Production of Documents, Question 23, includes sensitive internal policies, including

documents governing approval level criteria for executives and the Board of Directors as well as budgeting guidelines (to include capital budgeting). Those documents relate to DEF's competitive business interest and, consequently, disclosure would provide competitors access to information that could impair DEF's ability to effectively compete in the marketplace.

(c) The information at issue in DEF's responses to OPC's First Request for Production of Documents, Questions 2, 7, 8, 10, 11, 12, and 22, and OPC's First Set of Interrogatories, Questions 2, 40, 54, and 55, includes pricing information relating to contracts for goods and services (including employment agreement information and insurance policy information). Disclosure of this non-public information could alter contractors' behavior to the detriment of DEF, its customers, and its affiliates. It could also impair DEF's ability to negotiate employment contracts and could alter the behavior of potential hires, etc. Thus, absent confidential classification, DEF's efforts to contract for goods and services on favorable terms may be impaired.

(d) The information at issue in DEF's response to OPC's First Request for Production of Documents, Questions 7 and 22, includes detailed information about DEF's security measures, systems, and procedures, as well as details about the location and nature of future transmission planning projects. Disclosure of that information could pose significant security risks to DEF, its customers, and the transmission grid.

3. The information identified in Exhibits A and C is intended to be and is treated as confidential by DEF. *See* Exhibit D. Further, that information has not been disclosed to the public. *See* Exhibit D.

4. It follows that the information identified in Exhibit A and C is proprietary

confidential information, which would cause harm to DEF and ratepayers if disclosed and which is exempt from disclosure under the Public Records Act pursuant to § 366.093(3), F.S.

6. Accordingly, DEF requests that the information identified in Exhibit A be classified as “proprietary confidential business information” within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4) F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 6th day of May, 2024.

/s/Dianne M. Triplett

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CERTIFICATE OF SERVICE
Docket No. 20240025-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 6th day of May, 2024.

/s/ Dianne M. Triplett
Attorney

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Exhibit A

“CONFIDENTIAL”

(filed under separate cover on April 17, 2024)

Exhibit B

REDACTED

(copy-one)

Exhibit B

REDACTED

(copy-two)

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

RESPONSE/DOCUMENT	PAGE/LINE	JUSTIFICATION
DEF's Response to OPC's First Request for Production of Documents (Nos. 1-26), specifically, Question 8.	<p>Question 8: Documents bearing bates numbers 20240025-OPCPOD1-00000098 through 20240025-OPCROG1-000000194 are confidential in their entirety.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p>
DEF's Response to OPC's First Request for Production of Documents (Nos. 1-26), specifically, Question 10.	<p>Question 10: Documents bearing bates numbers 20240025-OPCPOD1-00000215 through 20240025-OPCPOD1-00000229 are confidential in their entirety.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p>
DEF's Response to OPC's First Set of Interrogatories (Nos. 1-60), specifically Questions 7, 8, and 52 and OPC's First Request for Production of Documents (Nos. 1-26), specifically questions 11 and 12.	<p>Question 7: Documents bearing bates numbers 20240025-OPCROG1-00000008-20240025-OPCROG1-00013813 are confidential in their entirety.</p> <p>Question 8: Documents bearing bates numbers 20240025-OPCRGO1-00013814 through 20240025-OPCROG1-00014926 are confidential in their entirety.</p> <p>Question 52: Documents bearing bates numbers 20240025-OPCROG1-00014183 through 20240025-</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

	<p>OPCROG1-00014184 are confidential in their entirety.</p> <p>Question 11: Documents bearing bates numbers 20240025-OPCPOD1-00000230 through 20240025-OPCPOD1-00000291 are confidential in their entirety.</p> <p>Question 12: Documents bearing bates numbers 20240025-OPCPOD1-00000292 through 20240025-OPCPOD1-00000353 are confidential in their entirety.</p>	
<p>DEF's Response to OPC's First Request for Production of Documents (Nos. 1-26), specifically Question 15.</p>	<p>Question 15: Documents bearing bates numbers 20240025-OPCPOD1-00005896-20240025-OPCPOD1-00008243 are confidential in their entirety.</p>	<p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>DEF's Response to OPC's First Request for Production of Documents (Nos. 1-26), specifically, Questions 7 and 16.</p>	<p>Question 7: The following cells and tabs in file C-35 Payroll & Fring Benefit CONFIDENTIAL contain confidential information:</p> <p>Test Year 3; Test Year 2; Test Year 1; Prior Year; Historic Year 2023; Historic Year 2022: Cells D6 through K19 and cells L6 through M9.</p> <p>Benefits Charged to DEF:</p>	<p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

	<p>Cells A12 through A13, B12 through H14, J12 through J14, B24 through H26, I24 through I26, B37 through G39, I24 through I26, and J24 through J26.</p> <p>Benefit Load Act & Bud Yrs: Cells B11 through E24, G11 through M24, B32 through E46, G32 through M46, B58 through E71, G58 through M71.</p> <p>Benefit Load Fcst Trs: Cells E9 through G65 and I9 through N65.</p> <p>REG FL FERC IS – 2Adj s: Cells A472 through NC472.</p> <p>Question 16: Documents bearing bates numbers 20240025-OPCPOD1-00000379 through 20240025-OPCPOD1-00000550 are confidential in their entirety.</p>	
<p>DEF’s Response to OPC’s First Request for Production of Documents (Nos. 1-26), specifically, Question 17.</p>	<p>Question 17: Documents bearing bates numbers 20240025-OPCPOD1-00002754 through 20240025-OPCPOD1-00002810 are confidential in their entirety.</p>	<p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>DEF’s Response to OPC’s First Request for Production of Documents (Nos. 1-26), specifically,</p>	<p>Question 2: Documents bearing bates numbers 20240025-OPCPOD1-00000001</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the</p>

<p>Questions 2, 7, and 22 (Transmission).</p>	<p>through 20240025-OPCROG1-00000027 are confidential in their entirety.</p> <p>Question 7: The following cells and tabs in file B-13 CWIP – CONFIDENTIAL contain confidential information:</p> <p>CWIP Balance: Cells A150 through A152, A154, A308 through A324, A326, A327, A330 through A352, A356 through A380, A383, A384, A387 through A419.</p> <p>Major Projects – Cost: Cells A187 through A189, A195, A436 through A456, A458 through A461, A464 through A485, A489 through A521, A524 through A528, A531 through A575.</p> <p>*</p> <p>The following cells and tabs in the file D-2 Cost of Capital CONFIDENTIAL contain confidential information:</p> <p>D-2 DEF: Cells C9 through P41.</p> <p>Other Reg calc: Cells B25 through H40, B43 through H58, B61 through H76, B79 through H94, B97 through H112.</p> <p>Non-Reg Ops Calc:</p>	<p>disclosure of which would impair DEF’s efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(c), F.S. The document in question contains confidential security measures, systems, or procedures.</p>
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	<p>Cells B5 through H21, B24, through H40, H43 through B58, B60 through H76.</p> <p>Subsidiary RE calc: Cells B5 through F138, B164 through F173, B180 through F529.</p> <p>UP BS Data-Legal: Cells B6 through H21, B42 through H57, B59 through H75, B77 through H93, B185 through H201, B203 through H219.</p> <p>Parentco calc: Cells B45 through G61.</p> <p>PA Goodwill RE: Cells E35 through E40, E43 through E48, E51 through E56, E59 through E64, E67 through E72, E75 through E80, E91 through E96, E107 through E112, E115 through E120, E123 through E128, E131 through E136, E139 through E144, E147 through E152, E155 through E160, E171 through E176, E179 through E184, E187 through E192, E195 through E200, E203 through E208, E211 through E216, E219 through E224, E227 through E232, E235 through E240, E243 through E248, E255 through E270.</p> <p>*</p> <p>The following cells and tabs in the file 1-7 CWIP Analysis_CONFIDENTAIL</p>	
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	<p>contain confidential information:</p> <p>CWIP: Cells F461 through F465, F541, F543, F545, F547, F711 through 1228, F1231, F1234 through F1241, F2144, F1247 through F1262, F1264, F1270, F1273 through F1280, F1294 through F1301, F1315 through F1329, F1356 through F1363, F1813 through 1816, F1818, F1820, F1821, F2166, F2183, F2190, F2216.</p> <p>SPPC WIP Summary: Cells D34 through 37.</p> <p>REG FL CWIP – 1 System Per Boo: Cells A251 through A356, A564, A566, A933, A934, A969, A1004 through A1143.</p> <p>Question 22: Documents bearing bates numbers 20240025-OPCPOD1-00004329 through 20240025-OPCPOD1-00005895 are confidential in their entirety.</p>	
<p>DEF’s Response to OPC’s First Request for Production of Documents (Nos. 1-26), specifically, Question 22 (Distribution) and OPC’s First Set of Interrogatories (Nos. 1-60), specifically, Question 55 (Distribution).</p>	<p>Question 22: Documents bearing bates numbers 20240025-OPCPOD1-00004329 through 20240025-OPCPOD1-00004605 are confidential in their entirety.</p> <p>Question 55: In the document bearing bates numbers 20240025-</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF’s efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S.</p>

	<p>OPCROG1-00014526 through 20240025-OPCPOD1-00014526, columns “2025 Forecast,” “2026 Forecast,” and “2027 Forecast” are confidential in their entirety.</p>	<p>The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>DEF’s Response to OPC’s First Request for Production of Documents (Nos. 1-26), specifically, Question 22 (Generation) and to OPC’s First Set of Interrogatories (Nos. 1-60), specifically, Question 54.</p>	<p>Question 22: Documents bearing bates numbers 20240025-OPCPOD1-00004606 through 20240025-OPCPOD1-00004684 are confidential in their entirety.</p> <p>Question 54: Documents bearing bates numbers 20240025-OPCROG1-00014190 through 20240025-OPCROG1-00014525 are confidential in their entirety.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF’s efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>DEF’s Response to OPC’s First Request for Production of Documents (Nos. 1-26), specifically, Question 22 (Solar) and to OPC’s First Set of Interrogatories (Nos. 1-60), specifically, Question 40.</p>	<p>Question 22: Documents bearing bates numbers 20240025-OPCPOD1-00004685 through 20240025-OPCPOD1-00004753 are confidential in their entirety.</p> <p>Question 40: Documents bearing bates numbers 20240025-OPCROG1-00014133 through 20240025-OPCROG1-00014135 are confidential in their entirety.</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF’s efforts to contract for goods or services on favorable terms.</p>

	In addition, the table provided in the first paragraph of DEF's written response, beginning after the word "project" and ending before the word "please," is confidential in its entirety.	
DEF's Response to OPC's First Request for Production of Documents (Nos. 1-26), specifically, Question 23.	Question 23: Documents bearing bates numbers 20240025-OPCPOD1-00004152 through 20240025-OPCPDF1-00004206 are confidential in their entirety.	§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.
DEF's Response to OPC's First Set of Interrogatories (Nos. 1-60), specifically, Question 2.	Question 2: The following cells in Column D of the document titled "OPC ROG 1-2 CWIP 2024-2027" are confidential: 1506, 4983, 7878, 7879, 7890 through 7892, 7895, 8128 through 8136, 8138 through 8147, 8149 through 8152, 8154 through 8177, 8181 through 8210, 8213, 8214, 8217 through 8257. Documents bearing bates numbers 20240025-OPCROG1-00014702 through 20240025-OPCROG1-00014708 are confidential as reflected by the confidential cell numbers provided above.	§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.

Exhibit D

AFFIDAVITS OF ACQUILINA, ANDERSON, BUCK, BURNETTE, CALDWELL, GOFF, LLOYD, NEWLIN, O'HARA, SCOTT, AND TRIPLETT