



Stephanie A. Cuello
SENIOR COUNSEL

June 5, 2024

VIA ELECTRONIC FILING

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

Re: Docket 20240013-EGI, Commission review of numeric Conservation goals by Duke Energy Florida, LLC.

Dear Mr. Teitzman,

Please find enclosed for electronic filing on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification for certain information provided in its Responses to FL Rising & LULAC's First Request for Production of Documents (Nos. 1-52) and First Request for Production of Documents (Nos. 1-2). The filing includes the following:

- DEF's Request for Confidential Classification
- Slip-sheet for confidential Exhibit A
- Redacted Exhibit B (two copies)
- Exhibit C (justification matrix), and
- Exhibit D (affidavit Tim Duff)

DEF's confidential Exhibit A that accompanies the above-referenced was submitted with DEF's Notice of Intent to Request Confidential Classification on May 15, 2024, under separate cover.

Thank you for your assistance in this matter. Please feel free to call me at (850) 521-1425 should you have any questions concerning this filing.

Respectfully,

/s/ Stephanie A. Cuello

Stephanie A. Cuello

SAC/clg
Attachments

CERTIFICATE OF SERVICE

Docket No. 20240013-EG

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 5th day of June, 2024, to the following:

/s/ Stephanie A. Cuello

Attorney

<p>Jacob Imig / Jonathan Rubottom Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 jimig@psc.state.fl.us JRubotto@psc.state.fl.us discovery-gcl@psc.state.fl.us</p> <p>James W. Brew / Laura Wynn Baker / Sarah B. Newman Stone Mattheis Xenopoulos & Brew, PC PCS Phosphate – White Springs 1025 Thomas Jefferson Street, NW Suite 800 West Washington, DC 20007-5201 jbrew@smxblaw.com lwb@smxblaw.com sbn@smxblaw.com</p> <p>Jon C. Moyle, Jr. Karen A. Putnal Moyle Law Firm, P.A. FIPUG 118 North Gadsden Street Tallahassee, Florida 32301 jmoyle@moylelaw.com kputnal@moylelaw.com</p> <p>Bradley Marshall Jordan Luebke Earthjustice LULAC and Florida Rising 111 S. Martin Luther King Jr. Blvd. Tallahassee, Florida 32301 bmarshall@earthjustice.org jluebke@earthjustice.org flcaseupdates@earthjustice.org</p>	<p>Erik Sayler / Brooks Rumenik Florida Department of Agriculture and Consumer Services 407 S Calhoun St The Mayo Bldg, Suite 520 Tallahassee FL 32399 Erik.Sayler@FDACS.gov Brooks.Rumenik@fdacs.gov</p> <p>Peter J. Mattheis / Michael K. Lavanga Joseph R. Briscar Stone Mattheis Xenopoulos & Brew, PC NUCOR 1025 Thomas Jefferson Street, NW Suite 800 West Washington, DC 20007-5201 pjm@smxblaw.com mkl@smxblaw.com jrb@smxblaw.com</p> <p>William C. Garner Law Office of William C. Garner, PLLC SACE 3425 Bannerman Road Unit 105, No. 414 Tallahassee, FL 32312 bgarner@wcglawoffice.com</p> <p>Stephanie U. Eaton SPILMAN THOMAS & BATTLE, PLLC Walmart 110 Oakwood Drive, Suite 500 Winston-Salem, NC 27103 seaton@spilmanlaw.com</p> <p>Steven W. Lee SPILMAN THOMAS & BATTLE, PLLC Walmart 1100 Bent Creek Boulevard, Suite 101 Mechanicsburg, PA 17050 slee@spilmanlaw.com</p>
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric
Conservation goals by Duke Energy
Florida, LLC.

Docket No. 20240013-EG

Dated: June 5, 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 Response to FL Rising and Lulac’s First Set of Interrogatories (Nos. 1-52) and First Request for Production of Documents (Nos. 1-2), concurrently with DEF’s Notice of Intent to Request Confidential Classification. This Request is timely. See Rule 25-22.006(3)(a)1, E.A.C. In support of this Request, DEF states:

1. Information contained in DEF’s Response to FL Rising and Lulac’s First Set of Interrogatories (Nos. 1-52) specifically, Questions 7, 8, 25 and 32 and in DEF’s Response to FL Rising and Lulac’s First Request for Production of Documents (Nos. 1-2), specifically, Question 2, contain “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 May 15, 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.

(d) Exhibit D are the affidavits of Tim Duff and Jim Herndon, 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 response to FL Rising & Lulac’s First Set of Interrogatories, Questions 7, 8, 25 and Request for Production of Documents, Question 2 includes internal business information regarding workpapers and workbooks that contain pricing information, competitive data and information related to competitive interests and regarding DEF’s strategic plans and regulatory strategies. This information relates to DEF’s competitive business interests, and disclosure would impair DEF’s ability to compete in the marketplace. This information also poses significant security risks to DEF, its customers, and the grid. Additionally, the information includes confidential and proprietary data maintained and used by Resource Innovations, Inc. for the Duke Energy Florida’s DR analysis and similar analysis work throughout the country, frequently in response to competitive solicitations. Further, Resource Innovations asserts the response contains confidential information relating to trade secrets.

As such, these workpapers are each considered confidential and should be treated as privileged data, only to be used in the current docket and for no other purpose.

(b) The information at issue in DEF's response to FL Rising & Lulac's First Set of Interrogatories, Question 32, includes internal business information regarding workpapers and workbooks that contain pricing information, competitive data and information related to competitive interests and regarding DEF's strategic plans and regulatory strategies. This information relates to DEF's competitive business interests, and disclosure would impair DEF's ability to compete in the marketplace. This information also poses significant security risks to DEF, its customers, and the grid.

4. 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.

5. 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 5th day of June, 2024.

/s/Stephanie A. Cuello

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FLRegulatoryLegal@duke-energy.com

Attorneys for Duke Energy Florida, LLC

CERTIFICATE OF SERVICE
Docket No. 20240013-EG

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 5th day of June, 2024.

/s/ Stephanie A. Cuello
Attorney

<p>Jacob Imig / Jonathan Rubottom Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 jimig@psc.state.fl.us JRubotto@psc.state.fl.us discovery-gcl@psc.state.fl.us</p> <p>James W. Brew / Laura Wynn Baker / Sarah B. Newman Stone Mattheis Xenopoulos & Brew, PC PCS Phosphate – White Springs 1025 Thomas Jefferson Street, NW Suite 800 West Washington, DC 20007-5201 jbrew@smxblaw.com lwb@smxblaw.com sbn@smxblaw.com</p> <p>Jon C. Moyle, Jr. Karen A. Putnal Moyle Law Firm, P.A. FIPUG 118 North Gadsden Street Tallahassee, Florida 32301 jmoyle@moylelaw.com kputnal@moylelaw.com</p> <p>Bradley Marshall Jordan Luebke Earthjustice LULAC and Florida Rising 111 S. Martin Luther King Jr. Blvd. Tallahassee, Florida 32301 bmarshall@earthjustice.org jluebke@earthjustice.org flcaseupdates@earthjustice.org</p> <p>Steven W. Lee SPILMAN THOMAS & BATTLE, PLLC Walmart 1100 Bent Creek Boulevard, Suite 101 Mechanicsburg, PA 17050 slee@spilmanlaw.com</p>	<p>Erik Saylor / Brooks Rumenik Florida Department of Agriculture and Consumer Services 407 S Calhoun St The Mayo Bldg, Suite 520 Tallahassee FL 32399 Erik.Saylor@FDACS.gov Brooks.Rumenik@fdacs.gov</p> <p>Peter J. Mattheis / Michael K. Lavanga Joseph R. Briscar Stone Mattheis Xenopoulos & Brew, PC NUCOR 1025 Thomas Jefferson Street, NW Suite 800 West Washington, DC 20007-5201 pjm@smxblaw.com mkl@smxblaw.com jrb@smxblaw.com</p> <p>William C. Garner Law Office of William C. Garner, PLLC SACE 3425 Bannerman Road Unit 105, No. 414 Tallahassee, FL 32312 bgarner@wclawoffice.com</p> <p>Stephanie U. Eaton SPILMAN THOMAS & BATTLE, PLLC Walmart 110 Oakwood Drive, Suite 500 Winston-Salem, NC 27103 seaton@spilmanlaw.com</p>
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Exhibit A

“CONFIDENTIAL”

(filed under separate cover on May 15, 2024)

Exhibit B

REDACTED

(copy-one)

REDACTED
DOCUMENTS BEARING BATES NUMBER 20240013-
FLRISINGLULACROG1-00000001
IS REDACTED IN ITS ENTIRETY

REDACTED
DOCUMENTS BEARING BATES NUMBER 20240013-
FLRISINGLULACROG1-00000002
IS REDACTED IN ITS ENTIRETY

REDACTED
DOCUMENTS BEARING BATES NUMBER 20240013-
FLRISINGLULACROG1-00000003 THROUGH
20240013-FLRISINGROG1-00000035
ARE REDACTED IN THEIR ENTIRETY

REDACTED
DOCUMENTS BEARING BATES NUMBER 20240013-
FLRISINGLULACROG1-00000036 THROUGH
20240013-FLRISINGROG1-00000086
ARE REDACTED IN THEIR ENTIRETY

REDACTED
**DOCUMENTS BEARING BATES NUMBER 20240013-
FLRISINGLULACPOD1-00000001 THROUGH
20240013- FLRISINGLULACPOD1-00000005
ARE REDACTED IN THEIR ENTIRETY**

Exhibit B

REDACTED

(copy-two)

REDACTED
DOCUMENTS BEARING BATES NUMBER 20240013-
FLRISINGLULACROG1-00000001
IS REDACTED IN ITS ENTIRETY

REDACTED
DOCUMENTS BEARING BATES NUMBER 20240013-
FLRISINGLULACROG1-00000002
IS REDACTED IN ITS ENTIRETY

REDACTED
DOCUMENTS BEARING BATES NUMBER 20240013-
FLRISINGLULACROG1-00000003 THROUGH
20240013-FLRISINGROG1-00000035
ARE REDACTED IN THEIR ENTIRETY

REDACTED
DOCUMENTS BEARING BATES NUMBER 20240013-
FLRISINGLULACROG1-00000036 THROUGH
20240013-FLRISINGROG1-00000086
ARE REDACTED IN THEIR ENTIRETY

REDACTED
DOCUMENTS BEARING BATES NUMBER 20240013-
FLRISINGLULACPOD1-00000001 THROUGH
20240013- FLRISINGLULACPOD1-00000005
ARE REDACTED IN THEIR ENTIRETY

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

RESPONSE/DOCUMENT	PAGE/LINE	JUSTIFICATION
DEF's Response to FL Rising & Lulac's First Set of Interrogatories (Nos. 1-52) specifically, Question 7.	Question 7: Document bearing Bates number 20240013-FLRISINGROG1-00000001 is confidential in its entirety.	§366.093(3)(c), F.S. The document in question contains confidential security measures, systems, or procedures. §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 FL Rising & Lulac's First Set of Interrogatories (Nos. 1-52) specifically, Question 8	Question 8: Document bearing Bates number 20240013-FLRISINGROG1-00000002 is confidential in its entirety.	§366.093(3)(c), F.S. The document in question contains confidential security measures, systems, or procedures. §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 FL Rising & Lulac's First Set of Interrogatories (Nos. 1-52) specifically, Question 25	Question 25: Documents bearing bates numbers 20240013-FLRISINGLULACROG1-00000003 through 20240013-FLRISINGROG1-	§366.093(3)(c), F.S. The document in question contains confidential security measures, systems, or procedures.

	<p>00000035 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>§366.093(3)(a), F.S. The document in question contains confidential information relating to trade secrets.</p>
<p>DEF's Response to FL Rising & Lulac's First Set of Interrogatories (Nos. 1-52) specifically, Question 32</p>	<p>Question 32: Documents bearing bates numbers 20240013-FLRISINGLULACROG1-00000036 through 20240013-FLRISINGLULACROG1-00000086 are confidential in their entirety.</p>	<p>§366.093(3)(c), F.S. The document in question contains confidential security measures, systems, or procedures.</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 FL Rising & Lulac's First Request for Production of Documents (Nos. 1-2) specifically, Question 2</p>	<p>Question 2: Documents bearing bates numbers 20240013-FLRISINGLULACPOD1-0000001 through 20240013-FLRISINGLULACPOD1-00000005 are confidential in their entirety.</p>	<p>§366.093(3)(c), F.S. The document in question contains confidential security measures, systems, or procedures.</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</p>

		<p>the provider/owner of the information.</p> <p>§366.093(3)(a), F.S. The document in question contains confidential information relating to trade secrets.</p>
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Exhibit D

AFFIDAVIT OF JIM HERNDON

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric conservation goals (Duke Energy Florida, LLC)

DOCKET NO. 20240013-EG

Dated: June 5, 2024

**AFFIDAVIT OF JIM HERNDON IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

1. My name is Jim Herndon. 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 Request for Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Vice President in the Advisory Services Practice within the Utilities Services business unit of Resource Innovations, Inc ("RI").

3. As a Vice President in the Advisory Services Practice, I am responsible for providing consulting services for RI clients in the field of Demand-Side Management ("DSM") initiatives. In this capacity, I primarily focus on DSM planning, including analysis of DSM market

impacts, and assisting utilities in the identification of DSM opportunities and the development and design of DSM program initiatives. This includes the development of market baseline and potential studies, cost-benefit analysis and design of comprehensive DSM programs and portfolios.

4. DEF is seeking confidential classification for a portion of DEF's Response to FL Rising and Lulac's First Set of Interrogatories (Nos. 1-52), specifically questions 25, served on April 25, 2024, in this docket. The confidential information at issue is contained in confidential Exhibit A provided with DEF's Notice of Intent to Request Confidential Classification provided on May 15, 2024 and is outlined in DEF's Justification Matrix attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains confidential proprietary business information relating to specific algorithms and data regarding the Demand Response Model. The disclosure of that information to the public would adversely impact DEF and third-party vendors' competitive business interests.

5. Upon receipt of confidential information from capacity suppliers, and with 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 contracts and information in question has the Company publicly disclosed that information or contracts. The Company has treated and continues to treat the information and contracts at issue as confidential.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the ____ day of _____, 2024.

(Signature)
Jim Herndon
Vice President, Advisory Services Practice
Resource Innovations, Inc.
2500 Regency Parkway, Suite 220
Cary, North Carolina 27518

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ____ day of _____, 2024, by Jim Herndon. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.

(Signature)

(AFFIX NOTARIAL SEAL)

(Printed Name)
NOTARY PUBLIC, STATE OF NORTH
CAROLINA

(Commission Expiration Date)

(Serial Number, If Any)

Exhibit D

AFFIDAVIT OF TIM DUFF

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric conservation goals (Duke Energy Florida, LLC)

DOCKET NO. 20240013-EG

Dated: June 4, 2024

**AFFIDAVIT OF TIM DUFF IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

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

1. My name is Tim Duff. I am over the age of 18 years old and I have been authorized by Duke Energy Florida, Inc. (hereinafter "DEF" or the "Company") to give this affidavit in the above-styled proceeding on DEF's behalf and in support of DEF's Request for Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the General Manager, Customer Solutions Regulatory Enablement. In this role, I am responsible for the development of strategies and policies related to energy efficiency, demand side management and all other retail products and services.

3. As the General Manager of Customer Solutions Regulatory Enablement, I also oversee the analytics functions associated with evaluating, tracking and reporting the performance of Duke Energy's retail products and services related to energy efficiency, demand side management programs and all other retail products and services.

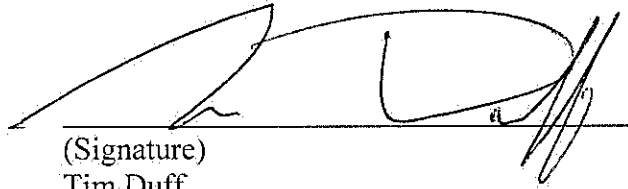
4. DEF is seeking confidential classification for a portion of DEF's Response to FL Rising and Lulac's First Set of Interrogatories (Nos. 1-52), specifically questions 7, 8, 25 and 32 and FL Rising and Lulac's First Production of Documents (Nos. 1-2), specifically question 2, served on April 25, 2024, in this docket. The confidential information at issue is contained in confidential Exhibit A provided with DEF's Notice of Intent to Request Confidential Classification provided on May 15, 2024 and is outlined in DEF's Justification Matrix attached to DEF's Request as Exhibit C. DEF is requesting confidential classification of this information because it contains confidential proprietary business information relating to specific algorithms and calculations regarding cost effectiveness modeling that contain pricing information and competitive data. The disclosure of that information to the public would adversely impact DEF and third-party vendors' competitive business interests.

5. Upon receipt of confidential information from utility system equipment and power suppliers, as well as with 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 contracts and information in question has the Company publicly disclosed that information or contracts. The Company has treated and continues to treat the information and contracts at issue as confidential.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the 4th day of June, 2024.

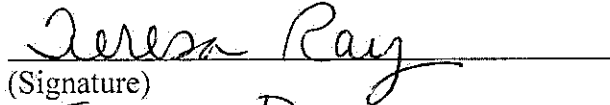


(Signature)
Tim Duff
General Manager
Customer Solutions Regulatory Enablement
Duke Energy
550 South Tryon Street
Charlotte, NC 28202

TTR

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 5th day of June, 2024, by Tim Duff. He is personally known to me or has produced his driver's license, or his _____ as identification.

4th

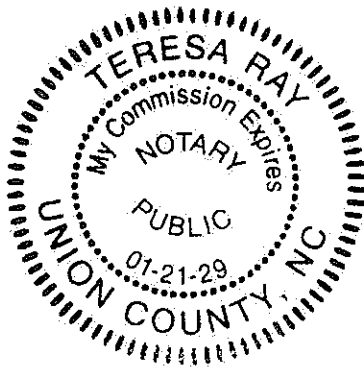


(Signature)
Teresa Ray
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF NORTH CAROLINA

01/21/29
(Commission Expiration Date)



(Serial Number, If Any)