



Matthew R. Bernier
ASSOCIATE GENERAL COUNSEL

June 14, 2024

VIA ELECTRONIC FILING

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

Re: *Storm Protection Plan Cost Recovery Clause; Docket No. 20240010-EI*

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 contained in DEF's Response to Staff's First Request to Produce (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 of Robert McCabe)

DEF's confidential Exhibit A that accompanies the above-referenced filing was submitted under separate cover.

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/mh
Attachments

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm Protection Plan Cost Recovery
Clause

Docket No. 20240010-EI

Dated: June 14, 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 provided in its response to the Staff of the Florida Public Service Commission’s (“Staff”) First Request to Produce Documents (Nos. 1-2), served simultaneously with this Request for Confidential Classification. In support of this Request, DEF states:

1. DEF’s Response to Staff’s First Request to Produce Documents (Nos. 1-2), specifically question 2, contains “proprietary confidential business information” under § 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing unredacted copies of all the documents for which DEF seeks confidential treatment. Composite Exhibit A was submitted separately in a sealed envelope labeled “CONFIDENTIAL” on June 14, 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.

3. As indicated in Exhibit C, the information for which DEF requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, the information at issue includes the Company’s internal processes and procedures, costs, and internal policies and guidelines, the disclosure of the information would allow vendors to have insight into DEF’s internal policies and guidelines and result in greater prices in future negotiations which would impair the Company’s competitive business interests and efforts to contract for goods and services on favorable terms. *See* § 366.093(3)(d) & (e), F.S.; Affidavit of Robert McCabe at ¶¶ 3, 4 and 5. Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Robert McCabe at ¶ 6. The information has not been disclosed to the public, and the Company has treated and continues to treat the information at issue as confidential. *See* Affidavit of Robert McCabe at ¶¶ 5 and 6.

5. 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 14th day of June, 2024.

/s/Matthew R. Bernier

DIANNE M. TRIPLETT

Deputy General Counsel
299 1st Avenue North
St. Petersburg, Florida 33701
T: (727) 820-4692
E: dianne.triplett@duke-energy.com

MATTHEW R. BERNIER

Associate General Counsel
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
T: (850) 521-1428
E: matt.bernier@duke-energy.com

STEPHANIE A. CUELLO

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

Attorneys for Duke Energy Florida, LLC

CERTIFICATE OF SERVICE
Docket No. 20240010-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by electronic mail this 14th day of June, 2024, to all parties of record as indicated below.

/s/ Matthew R. Bernier
Attorney

| | | |
|--|---|--|
| <p>Shaw Stiller / Daniel Dose / Jennifer Crawford Office of General Counsel FL Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sstiller@psc.state.fl.us ddose@psc.state.fl.us jcrawfor@psc.state.fl.us</p> <p>Kenneth Hoffman Florida Power & Light 134 West Jefferson St. Tallahassee, FL 32301-1713 ken.hoffman@fpl.com</p> <p>Christopher T. Wright / Davide Lee Florida Power & Light 700 Universe Boulevard (JB/LAW) Juno Beach FL 33408-0420 christopher.wright@fpl.com david.lee@fpl.com</p> | <p>Beth Keating Gunster, Yoakley, & Stewart, P.A. FPUC 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 bkeating@gunster.com</p> <p>Michelle Napier / Phuong Nguyen Florida Public Utilities Company 1635 Meathe Drive West Palm Beach, Florida 33411 mnapiier@fpuc.com pnguyen@chpk.com</p> <p>Jon C. Moyle Jr. Moyle Law Firm FIPUG 118 North Gadsden St. Tallahassee, FL 32301 jmoyle@moylelaw.com mqualls@moylelaw.com</p> <p>James W. Brew / Laura Wynn Baker / Sarah B. Newman Stone Mattheis Xenopoulos & Brew, P.C. PCS Phosphate –White Springs 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 jbrew@smxblaw.com lwb@smxblaw.com sbn@smxblaw.com</p> <p>Peter J. Mattheis / Michael K. Lavanga / Joseph R. Briscar Stone Mattheis Xenopoulos & Brew, PC NUCOR 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007 pjm@smxblaw.com mkl@smxblaw.com jrb@smxblaw.com</p> | <p>W. Trierweiler / P. Christensen / C. Rehwinkel / M. Wessling / O. Ponce/ A. Watrous Office of Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400 trierweiler.walt@leg.state.fl.us christensen.patty@leg.state.fl.us rehwinkel.charles@leg.state.fl.us wessling.mary@leg.state.fl.us ponce.octavio@leg.state.fl.us watrous.austin@leg.state.fl.us</p> <p>Paula K. Brown Tampa Electric Company Regulatory Affairs P.O. Box 11 Tampa, FL 33601-0111 regdept@tecoenergy.com</p> <p>J. Wahlen / M. Means / V. Ponder Ausley McMullen Tampa Electric Company P.O. Box 391 Tallahassee, FL 32302 jwahlen@ausley.com mmeans@ausley.com vponder@ausley.com</p> |
|--|---|--|

Exhibit A

“CONFIDENTIAL”

(submitted on June 14, 2024, under separate cover)

Exhibit B

REDACTED

(Copy one)

REDACTED
DOCUMENTS BEARING BATES NUMBERS
20240010-DEF-00000001
THROUGH
20240001-DEF-00000017
ARE REDACTED IN THEIR ENTIRETY.

Exhibit B

REDACTED

(Copy two)

REDACTED
DOCUMENTS BEARING BATES NUMBERS
20240010-DEF-00000001
THROUGH
20240001-DEF-00000017
ARE REDACTED IN THEIR ENTIRETY.

Exhibit C

DUKE ENERGY FLORIDA Confidentiality Justification Matrix

| DOCUMENT/RESPONSES | PAGE/LINE | JUSTIFICATION |
|--|--|---|
| DEF's Response to Staff's First Request for Production of documents (Nos. 1-2) | Q 2: 20240010-DEF-00000001 through 20240010-DEF-00000017, each page is confidential in its entirety. | <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> |

Exhibit D

AFFIDAVIT OF ROBERT MCCABE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm Protection Plan Cost Recovery
Clause

Docket No. 20240010-EI

Dated: June 14, 2024

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

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Robert McCabe. 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 Manager of Project Development and Project Management. I am responsible for managing the project development group for Storm Protection Plan and major project work in addition to providing support for the regulatory filings.

3. DEF is seeking confidential classification for certain information provided in its response to Staff's First Request for Production of Documents (Nos. 1-2), specifically question 2. 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 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.

4. The confidential information at issue relates to proprietary and confidential internal processes and procedures, costs, and internal policies and guidelines. 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.

5. 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 – 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, the Company's efforts to obtain competitive contracts could be undermined and could detrimentally impact DEF's ability to negotiate favorable contracts.

6. 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. 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.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the 13th day of June, 2022.

Robert McCabe

(Signature)

Robert McCabe

Manager of Project Development and Project Management

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 13 day of June, 2024 by Robert McCabe. He is personally known to me or has produced his FL DL driver's license, or his _____ as identification. in person

Christina Marino

(Signature)

Christina Marino

(Printed Name)

NOTARY PUBLIC, STATE OF _____

Sept. 5, 2026

(Commission Expiration Date)

HH 308757

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

