

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of incentive mechanisms for the electric investor-owned utilities.

DOCKET NO. 20250032-EI  
ORDER NO. PSC-2025-0188-CFO-EI  
ISSUED: June 3, 2025

ORDER GRANTING DUKE ENERGY FLORIDA, LLC'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 01395-2025)

On March 6, 2025, Duke Energy Florida, LLC (DEF) filed a Notice of Intent to Request Confidential Classification, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), pertaining to certain information contained in DEF's response to Commission Staff's First Data Request No. 20. On March 27, 2025, DEF timely filed a Request for Confidential Classification of the same material. The information can be described as 2013–2024 sales and gains amounts for DEF's Asset Optimization Activities. (Document No. 01395-2025).

Request for Confidential Classification

DEF contends that the information in Exhibit A of the Request constitutes proprietary and confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. DEF states that it treats this information as confidential and that the information has not been publicly disclosed. DEF asserts that the information at issue relates to: (i) bids or other contractual data, the disclosure of which would impair the efforts of DEF to contract for goods and/or services on favorable terms; and (ii) competitive interests, which could be used by competitors to gain confidential internal information and impair DEF's competitive business. Specifically, DEF argues that disclosure of this information to fuel suppliers would enable greater price convergence in future negotiations thus impairing DEF's efforts to contract for goods and services on favorable terms. Furthermore, DEF argues that disclosure could compromise DEF's efforts to obtain competitive energy supply by competitors changing their consumption or purchasing behavior within the relevant markets. For those reasons, DEF argues the information is entitled to confidential classification pursuant to Section 366.093(3)(d)–(e), F.S.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 366.093(3), F.S., defines "proprietary confidential business information" as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section

366.093(3), F.S., provides that proprietary confidential business information includes, but is not limited to:

(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 the information.

Upon review, it appears the above-referenced information in Document No. 01395-2025, as specifically detailed in Exhibit A, satisfies the criteria set forth in Section 366.093(3)(d) and (e), F.S., for classification as proprietary confidential business information. The information constitutes “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” and “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information identified in Document No. 01395-2025 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless DEF or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is hereby

ORDERED by Commissioner Gabriella Passidomo Smith, as Prehearing Officer, that Duke Energy Florida, LLC’s Request for Confidential Classification of Document No. 01395-2025 is granted. It is further

ORDERED that the information in Document No. 01395-2025, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

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By ORDER of Commissioner Gabriella Passidomo Smith, as Prehearing Officer, this 3rd day of June, 2025.



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Gabriella Passidomo Smith  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CMM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural, or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas, or telephone utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural, or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.