

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Progress Energy Florida, Inc.  
to establish discovery docket regarding actual and  
projected costs for the Levy Nuclear Project

Docket No. 080149

Submitted for Filing: April 22,

COMMISSION  
CLERK

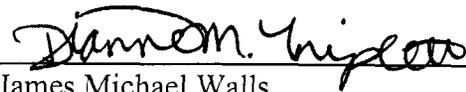
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**NOTICE OF FILING AFFIDAVIT IN SUPPORT OF  
PEF'S FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida, Inc. hereby gives notice of filing the affidavit of Garry D.  
Miller in support of its First Request for Confidential Classification.

Respectfully submitted,



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Dianne M. Triplett  
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- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR   /
- GCL   /
- OPC \_\_\_\_\_
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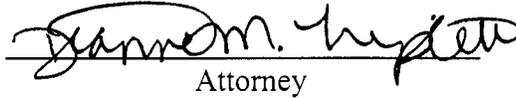
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and/or U.S. Mail as indicated to the all counsel and parties of record on this 22<sup>nd</sup> day of April, 2008.

  
Attorney

COUNSEL AND PARTIES OF RECORD:

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|--|--|
| <p>Lisa Bennett, Staff Counsel<br/>Florida Public Service Commission<br/>Office of the General Counsel<br/>2540 Shumard Oak Blvd.<br/>Tallahassee, FL 32399-0850<br/>Phone: (850) 413-6230<br/>Facsimile: (850) 413-6184<br/>Email: <a href="mailto:lbennett@psc.state.fl.us">lbennett@psc.state.fl.us</a></p> | <p>Stephen Burgess, Associate Counsel<br/>Office of the Public Counsel<br/>c/o The Florida Legislature<br/>111 W. Madison Street, Room 812<br/>Tallahassee, FL 32399-1400<br/>Phone: (850) 488-9330<br/>Facsimile:<br/>Email: <a href="mailto:Burgess.steve@leg.state.fl.us">Burgess.steve@leg.state.fl.us</a></p> |
| <p>Bob Krasowski<br/>1086 Michigan Avenue<br/>Naples, FL 34103<br/>Phone: (239) 963-6285<br/>Email: <a href="mailto:Minimushomines@aol.com">Minimushomines@aol.com</a></p>   | <p>Mr. Paul Lewis, Jr.<br/>Progress Energy Florida, Inc.<br/>106 East College Avenue, Ste. 800<br/>Tallahassee, FL 32301-7740<br/>Phone: (850) 222-8738<br/>Facsimile: (850) 222-9768<br/>Email: <a href="mailto:paul.lewisjr@pgnmail.com">paul.lewisjr@pgnmail.com</a></p>  |

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In re: Petition by Progress Energy Florida, Inc.  
to establish discovery docket regarding actual and  
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Docket No. 080149

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Submitted for Filing: April 22<sup>nd</sup>, 2008

**AFFIDAVIT OF GARRY D. MILLER IN SUPPORT OF  
PROGRESS ENERGY FLORIDA'S FIRST  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

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

2. I am the General Manager – Nuclear Plant Development & License  
Renewal for PEF's nuclear plant. This department manages nuclear generation growth  
strategies.

3. As the General Manager for Nuclear Plant Development, all the major  
contracts approved to date on the Levy project, and for nuclear plant development, have  
been under my management and responsibility.

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DOCUMENT NUMBER - DATE

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4. PEF is seeking confidential classification for portions of Exhibit No. \_\_\_ (WG-1), specifically portions of Schedules T-8 and T-8A. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's First Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's First Request for Confidential Classification as Exhibit C. PEF is requesting confidential classification of this information because it contains details of confidential contract terms that contain proprietary information regarding PEF contracts for real estate transactions.

5. The Nuclear Filing Requirement ("NFR") Schedules call for information regarding confidential PEF contracts. PEF negotiates with companies to obtain competitive contracts that provide economic value to PEF and its ratepayers. In order to obtain such contracts, however, PEF must be able to assure these companies that sensitive business information, such as the term length of their contracts, will be kept confidential. PEF has kept confidential and has not publicly disclosed the proprietary contract terms and provisions at issue here. Absent such measures, contractors would run the risk that sensitive business information that they provided in their contracts with PEF would be made available to the public and, as a result, end up in possession of potential competitors. Faced with that risk, persons or companies who otherwise would contract with PEF might decide not to do so if PEF did not keep those terms of their contracts confidential. Without PEF's measures to maintain the confidentiality of sensitive terms in contracts, the Company's efforts to obtain competitive contracts would be undermined. In addition, by the terms of these contracts, all parties, including PEF, have agreed to protect proprietary and confidential information, which is defined to include the contractual terms, from public disclosure.

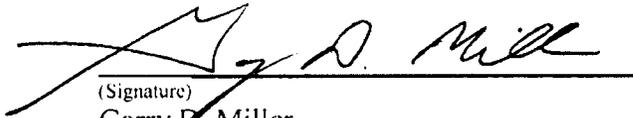
6. Additionally, the disclosure of confidential information in PEF's contracts would adversely impact PEF's competitive business interests. If such information was disclosed to PEF's competitors, PEF's efforts to obtain competitive options that provide economic value to both PEF and its ratepayers would be compromised.

7. Upon receipt of this confidential information, 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.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 21<sup>st</sup> day of April, 2008.



(Signature)

Garry D. Miller

General Manager – Nuclear Plant Development &  
License Renewal

Progress Energy

100 E. Davie Street

Raleigh, NC 27601

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 21 day of April, 2008 by Garry D. Miller. He is personally known to me, or has produced his North Carolina driver's license, or his n/a as identification.

**Betsy Whaley Cox, Notary Public**  
**Wake County, North Carolina**  
**My Commission Expires 12/21/2011**

(AFFIX NOTARIAL SEAL)

Betsy Whaley Cox  
(Signature)

Betsy Whaley Cox  
(Printed Name)

NOTARY PUBLIC, STATE OF \_\_\_\_\_

12/21/2011  
(Commission Expiration Date)

\_\_\_\_\_  
(Serial Number, If Any)