

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

Docket No. 090009-EI
Submitted for Filing: July 21, 2009

**NOTICE OF FILING AFFIDAVIT IN SUPPORT OF PROGRESS ENERGY
FLORIDA'S TENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. of filing the Affidavit of GARRY MILLER in support of Progress Energy Florida's Tenth Request for Confidential Classification.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 21st day of July, 2009.



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

STATE OF NC
COUNTY OF Wake

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

1. My name is Garry 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 Tenth 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 at Progress Energy Carolina. As such, I am responsible for new nuclear plant development in both the Carolinas and Florida, including the siting, licensing, engineering, construction, an overall management of PEF's proposed Levy Nuclear Power Plants, the Levy Nuclear Project ("LNP"). Specifically, my responsibilities include, but are not limited to, scheduling, contracts, commercial matters, training, document control, records management, and project management. All major contracts approved to date on the LNP, and for Nuclear Plant Development, have been under my management and responsibility.

3. PEF is seeking confidential classification of portions of the response to Staff's Third Set of Interrogatories (Nos. 34-38), specifically request numbers 36, 37 and 38. A detailed description of the confidential information at issue is contained in confidential Attachment A to PEF's Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Request as Attachment C. PEF is requesting confidential classification of these documents because they contain confidential and proprietary contractual information and other information related to the Company's competitive business interests, the disclosure of which would compromise PEF's competitive business interests and violate contractual confidentiality provisions.

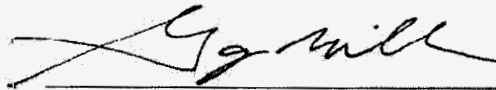
4. Specifically, the responsive documents to OPC's requests contain confidential contractual data regarding the LNP, the disclosure of which would impair PEF's efforts to contract for goods and services on favorable terms, harming PEF's competitive business interests. Release of PEF's contractual agreements, including pricing arrangements and termination provisions would impair PEF's competitive business interests, and would further be a violation of the PEF's confidentiality agreements, as the confidential information at issue contains information related to the EPC and the Burns and Roe review of that contract. Disclosure of this information would impair PEF's competitive business interests by providing third parties with information regarding contractual terms with which PEF is willing to agree thereby giving third parties a competitive advantage when negotiating similar contracts with PEF as well as providing PEF's competitors for such goods and services valuable insight into the Company's strategic planning.

5. Upon receipt of this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality 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 persons who 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.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the 20th day of July, 2009.



Garry Miller, General Manager
Nuclear Plant Development
Progress Energy
100 E. Davie Street TPP 15
Raleigh, NC 27601

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 20th day of July, 2009 by Garry Miller. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

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


(Signature)

Betsy Whaley Cox
(Printed Name)

(SEAL)

NOTARY PUBLIC, STATE OF NC

(Commission Expiration Date)