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Subject: Filing Docket 090009
Attachments: Docket 090009 Notice of Service of Verified Affidavit in Support of Thirteenth Req for Conf Class.pdf



Docket 090009
Notice of Servic..

Docket 090009

In re: Nuclear Cost Recovery Clause

1. This filing is made by

Jeanne Costello on behalf of Dianne Triplett Carlton Fields, P.A.
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2. This filing is Progress Energy Florida, Inc.'s Notice of Service of Verified Affidavit in support of Progress Energy Florida's Thirteenth Request for Confidential Classification filed on July 28, 2009.

3. This filing consists of 7 pages.

4. This filing is made on behalf of Progress Energy Florida, Inc.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Nuclear Power Plant
Cost Recovery Clause


Docket No. 090009-EI
Submitted for Filing: August ~~6~~⁵, 2009

**PROGRESS ENERGY FLORIDA, INC.'S NOTICE OF SERVICE
OF VERIFIED AFFIDAVIT IN SUPPORT OF THIRTEENTH
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida ("PEF" or the "Company"), hereby gives notice of service of the verified affidavit of Garry Miller in support of Progress Energy Florida's Thirteenth Request for Confidential Classification served July 28, 2009.

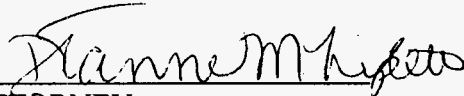
Respectfully submitted,

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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 5th day of August, 2009.


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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

Docket No. 090009-EI
Submitted for Filing: July 28, 2009

**AFFIDAVIT OF GARRY MILLER IN SUPPORT OF PROGRESS ENERGY
FLORIDA'S THIRTEENTH 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 Thirteenth 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 OPC's Sixth Set of Interrogatories (Nos. 64-72), specifically request numbers 65 and 70(a), and the certain responsive documents to OPC's Seventh Request for Production of Documents (Nos. 87-99), specifically request numbers 89, 92 and 94. 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 information to OPC's interrogatory number 65 and request numbers 89, 92, and 94 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. 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 and as a result they may offer PEF less competitive contractual terms in future contractual negotiations or be in position to negotiate contracts less favorable to the Company and its customers. This information would also provide PEF's competitors for such goods and services valuable insight

into the Company's strategic planning, thereby providing those competitors with a competitive advantage.

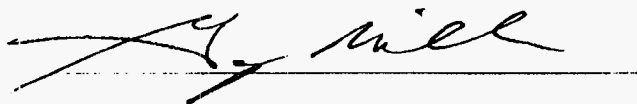
5. Additionally, the responsive information to interrogatory number 70(a) s details the Company's projected risks involved in the Levy Nuclear Project ("LNP"), along with the risk level assigned to each risk and the Company's strategy to avoid or minimize these risks. Disclosure of these strategies would harm PEF and its customers by giving competitors and other parties insight into the Company's strategic planning, allowing them to take advantage of this knowledge. The responsive documents to Citizens' request number 94 includes information regarding the planning of the LNP, including possible transportation routes in and out of the project, and other conceptual design summaries. Release of this information would also impair the Company by providing other parties and competitors valuable insight into the Company's strategic planning, allowing other parties to take advantage of this knowledge.

6. 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 4th day of ~~July~~, 2009.
August



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 4th day
of ~~July~~ August, 2009 by Garry Miller. He is personally known to me, or has produced his _____
driver's license, or his _____ as identification.

Betsy Whaley Cox
(Signature)

Betsy Whaley Cox
(Printed Name)

(SEAL)

NOTARY PUBLIC, STATE OF NC
12/21/2011
(Commission Expiration Date)