

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE


Docket No. 090009-EI
Submitted for Filing: August 12, 2009

**NOTICE OF FILING UNVERIFIED AFFIDAVIT OF JON FRANKE IN SUPPORT OF
PEF'S SIXTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. of filing the Unverified Affidavit of JON FRANKE in support of Progress Energy Florida's Sixteenth 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 12th day of August, 2009.



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FLORIDA'S SIXTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF _____

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

1. My name is Jon Franke. 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 Vice President at Crystal River Unit 3 ("CR3"). As such, I am responsible for the safe operation of the nuclear generating station. Additionally, I have indirect responsibilities in oversight of major project activities at the station. Through my management team I have about 490 employees that perform the daily work required to operate the station and provide engineering training and support to the station.

3. PEF is seeking confidential classification of portions of the Deposition of Jon Franke given in this docket on June 26th, 2009 (the "Deposition"), as well as portions of the Exhibits to the Direct Testimony of William R. Jacobs, Jr., given in this docket on July 15th,

DOCUMENT NO. DATE
08395-09 08/12/09
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2009. 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 for Confidential Classification as Exhibit C. PEF is requesting confidential classification of portions of this information because it includes confidential and proprietary information related to the Company's competitive business interests, the disclosure of which would compromise PEF's competitive business interests.

4. Specifically, the information included in the confidential portion of the Deposition contains information regarding the Extended Power Uprate ("EPU") project schedule for CR3, including the approximate length of the planned generator outage during which much of the work will occur. Disclosure of this information would impair PEF's competitive business interests by providing third parties with sensitive information which would provide third parties a competitive advantage when negotiating for the sale of the power PEF will be required to purchase to continue to provide service to its customers during this outage. Therefore, public disclosure of this information could adversely affect the Company's to purchase power during these periods at favorable prices, therefore impacting the Company's competitive interests and ultimately having a detrimental impact on PEF's ratepayers.

5. Furthermore, portions of the Exhibits to Mr. Jacob's Testimony likewise contain confidential information related to the CR3 EPU, the release of which would harm the Company's competitive business interests. Additionally, much, if not all, of this information has been provided to Mr. Jacobs through PEF's discovery previous discovery responses in this proceeding, and at all times PEF has taken the appropriate steps to maintain its confidentiality.

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, 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. In addition, PEF has provided this information in response to various discovery requests throughout this proceeding, and at all times the Company has maintained the confidentiality of the information at issue.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the ____ day of August, 2009.

JON FRANKE
Vice President
Crystal River Unit 3
15760 W. Powerline St.
Crystal River, Florida 34442

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ___ day of August, 2009 by Jon Franke. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

(Signature)

(Printed Name)

(SEAL)