

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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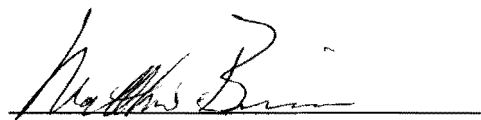
IN RE: NUCLEAR POWER PLANT COST  
RECOVERY CLAUSE

Docket No. 100009-EI  
Submitted for Filing: August 24, 2010  
COMMISSION  
CLERK

**NOTICE OF FILING AFFIDAVIT OF JON FRANKE  
IN SUPPORT OF PEF'S TWENTY-FIFTH REQUEST FOR  
CONFIDENTIAL CLASSIFICATION**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. ("PEF") of filing the affidavit of Jon Franke in support of Progress Energy Florida's Twenty-Fifth Request for Confidential Classification.

Respectfully submitted,



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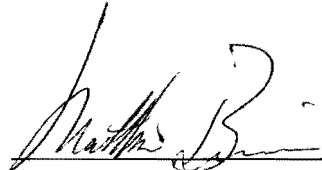
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CERTIFICATE OF SERVICE

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 24<sup>th</sup> day of August, 2010.

  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Power Plant Cost  
Recovery Clause

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Docket No. 100009-EI  
Submitted for Filing: August \_\_, 2010

**AFFIDAVIT OF JON FRANKE IN SUPPORT OF PROGRESS ENERGY FLORIDA'S  
TWENTY-FIFTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF CITRUS

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 "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I serve as the Vice President – Crystal River Nuclear Plant. 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 including the Crystal River 3 ("CR3") nuclear plant power uprate project ("CR3 Uprate"). 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 Depositions of: Jeff Lyash, given in this docket on August 12, 2010; Jon Franke, given in this docket on July 29, 2010; and John Elnitsky, given in this docket on August 13, 2010 (the "Depositions"). A detailed description of the confidential information at issue is contained in confidential

Attachment A to PEF's Request and is outlined in PEF's Justification Matrix that is attached to PEF's Request as Appendix C. PEF is requesting confidential classification of the Exhibits because they include 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.

4. The Company is requesting confidential classification of this information because it contains proprietary confidential business information related to the costs of the CR3 Uprate Project, including the License Amendment Request ("LAR"). These costs are incurred, in whole or in part, pursuant to PEF's contracts with third parties. These contracts contain confidentiality provisions forbidding the release of contractual terms, including pricing provisions. The disclosure of this information would harm PEF's competitive business interests by impeding the Company's ability to obtain such contracts, and would further violate the aforementioned confidentiality agreements. PEF negotiates each of its contracts to obtain the most competitive terms available to benefit PEF and its ratepayers. In order to successfully obtain such contracts, however, PEF must be able to assure the other parties to the contracts that the sensitive business information contained therein, such as quantity and pricing terms, will remain confidential. PEF considers this information confidential and proprietary and continues to take steps to protect against its public disclosure, including limiting the personnel who have access to this information. If such information was disclosed to PEF's competitors and/or other potential suppliers, PEF's efforts to obtain competitive nuclear equipment and service options that provide economic value to both the Company and its customers could be compromised by the Company's competitors and/or suppliers changing their offers, consumption, or purchasing behavior within the relevant markets. If other third parties were made aware of confidential contractual terms that PEF has with other parties, they may offer less competitive contractual


terms in future contractual negotiations. Without the Company's measures to maintain the confidentiality of sensitive terms in contracts with these nuclear contractors, the Company's efforts to obtain competitive contracts could be undermined to the detriment of PEF and its ratepayers.

5. Upon receipt of this confidential information, as with all confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided therein. Such procedures include, but are not limited to, restricting access to the documents and information to only those persons who require it to assist the Company. At no time since developing or entering the contracts in question has PEF publicly disclosed the contracts' confidential terms; PEF has treated and continues to treat the information contained in the subject report as confidential. Indeed, the information contained in the Exhibits has been produced in response to various discovery requests throughout these proceedings, and at all times the Company has taken the appropriate steps to maintain its confidentiality.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated this 23 day of August, 2010



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(Signature)

Jon Franke  
Vice President -  
Crystal River Nuclear Plant  
15760 W. Powerline St.  
Crystal River, Florida 34428

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 23 day of August, 2010 by Jon Franke. He is personally known to me, or has produced his F652-421-63-028-0 driver's license, or his \_\_\_\_\_ as identification.

Katrina Cleaver Cochran  
(Signature)

KATRINA CLEAVER COCHRAN  
(Printed Name)

(AFFIX NOTARIAL SEAL)

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

\_\_\_\_\_  
(Commission Expiration Date)

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

