

REDACTED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Nuclear Cost Recovery)
Clause)
_____)

Docket No. 120009-EP
Served: July 31, 2012

COMMISSION
CLERK

12 JUL 31 PM 2:37

RECEIVED-FPSC

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

**CONFIDENTIAL CLASSIFICATION REGARDING PEF'S RESPONSES TO
STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
PROGRESS ENERGY FLORIDA, INC. (NOS. 1-3)**

For DN 05122-12, which
is in locked storage. You must be
authorized to view this document.

Progress Energy Florida, Inc. ("PEF" or the "Company"), pursuant to Sections 366.093, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code, requests confidential classification of portions of the documents produced in response to Staff's First Request for Production of Documents to Progress Energy Florida, Inc. (Nos. 1-3), specifically numbers 1 and 2. These documents contains confidential contractual and capital cost data for the Levy Nuclear Project ("LNP") the disclosure of which would impair PEF's ability to contract for necessary goods and services and in many cases would violate contractual confidentiality clauses, and other information the disclosure of which would harm the Company's competitive business interests. These documents meet the definition of proprietary confidential business information under section 366.093(3), Florida Statutes. The unredacted documents are being filed under seal with the Commission on a confidential basis to keep the competitive business information in the documents confidential.

BASIS FOR CONFIDENTIAL CLASSIFICATION

COM _____
AFD _____
APA _____
ECO _____
ENG _____
GCL _____
IDM _____
TEL _____
CLK _____

Section 366.093(1), Florida Statutes, provides that "any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." § 366.093(1), Fla. Stat. Proprietary confidential business information means information

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that is (i) intended to be and is treated as private confidential information by the Company, (ii) because disclosure of the information would cause harm, (iii) either to the Company's customers or the Company's business operation, and (iv) the information has not been voluntarily disclosed to the public. § 366.093(3), Fla. Stat. Specifically, "information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms" is defined as proprietary confidential business information. § 366.093(3)(d), Fla. Stat. Additionally, section 366.093(3)(e) defines "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information," as proprietary confidential business information.

Portions of the aforementioned documents should be afforded confidential classification for the reasons set forth in the Affidavit of John Elnitsky, filed in support of PEF's Request for Confidential Classification, and for the following reasons.

The documents at issue contain sensitive and confidential information related to the LNP. Specifically, portions of the documents contain details regarding PEF's estimated costs for the LNP, costs which are driven by confidential contracts with various vendors. In addition, the documents contain details regarding PEF's budgeted and estimated capital costs for the LNP under its EPC Agreement, cost information related to Long Lead Equipment ("LLE"), and confidential risk analysis and assessment information. Affidavit of Elnitsky, ¶ 4. Public disclosure of this information would give the Company's competitors invaluable insight into PEF's strategies, and therefore provide them an unfair competitive advantage. Id. at ¶¶ 5-6. This would put the Company at a competitive disadvantage when competing, or attempting to contract, with these other parties. Id.

PEF has kept confidential and has not publicly disclosed the information at issue here. Absent such measures, PEF would run the risk that sensitive business information regarding what it is willing to pay for certain goods and services, as well as what the Company is willing to accept as payment for certain goods and/or services, would be made to available to the public and, as a result, other potential suppliers, vendors, and/or purchasers of such services could change their position in future negotiations with PEF. PEF must be able to assure these vendors that sensitive business information, such as the terms of their contracts, will be kept confidential. Indeed, the contract at issue contains confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. Without PEF's measures to maintain the confidentiality of sensitive terms in these contracts, the Company's efforts to obtain competitive contracts would be undermined. See id. at ¶¶ 4-6.

Upon receipt of this confidential information, strict procedures are established and followed to maintain the confidentiality of the information provided, including restricting access to only those persons who need the information to assist the Company. See id. at ¶ 7. At no time since receiving the information in question has the Company publicly disclosed that information. See id. The Company has treated and continues to treat the information at issue as confidential. See id.

CONCLUSION

The competitive, confidential information at issue in this request fits the statutory definition of proprietary confidential business information under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and that information should be afforded confidential classification. In support of this motion, PEF has enclosed the following:

(1) A separate, sealed envelope containing one copy of the confidential Appendix A to PEF's Request for Confidential Classification for which PEF has requested confidential classification with the appropriate section, pages, or lines containing the confidential information highlighted. **This information should be accorded confidential treatment pending a decision on PEF's request by the Florida Public Service Commission;**

(2) Two copies of the documents with the information for which PEF has requested confidential classification redacted by section, page or lines, where appropriate, as Appendix B; and,

(3) A justification matrix supporting PEF's Request for Confidential Classification of the highlighted information contained in confidential Appendix A, as Appendix C.

WHEREFORE, PEF respectfully requests that the portions of the documents produced in response to Staff's First Request for Production of Documents to Progress Energy Florida, Inc. (Nos. 1-3), specifically numbers 1 and 2, be granted confidential classification and treated accordingly.

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 31st day of July, 2012.



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PROGRESS ENERGY FLORIDA
In re: Nuclear Cost Recovery Clause
Docket 120009-EI
Seventh Request for Confidential Classification

Exhibit B

FILED

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Requested Approvals

- The project team recommends a shift in the expected in-service dates for the Levy nuclear power plants to 2024 and 2025 in order to mitigate current uncertainty and increased near-term enterprise risks
- The project team recommends continued funding of approximately [REDACTED] through April 2013
 - ◆ Anticipated 3-year spend (2013-2015) of [REDACTED]
- Project team will provide update mid-2013 on work progress and any needed funding requests.

Schedule

Key Milestones & Project Gates				
Milestone	Date			Critical Path (Y/N)
	Baseline	Forecast	Actual	
FEIS	Apr-12	Apr-12		N
FSER	Sep-12	Sep-12		N
Receive COL	Q2-13	Q2-13		N
[REDACTED]	[REDACTED]	[REDACTED]		N
Resume Site Specific Engineering	Q2-15	Q2-15		Y
Resume Transmission Work	Q1-16	Q1-16		Y
[REDACTED]	[REDACTED]	[REDACTED]		Y
[REDACTED]	[REDACTED]	[REDACTED]		Y
First Nuclear Concrete - Unit 1	Q1-20	Q1-20		Y
First Nuclear Concrete - Unit 2	Q2-21	Q2-21		Y
Unit 1 In-Service Date	Q2-24	Q2-24		Y
Unit 2 In-Service Date	Q4-25	Q4-25		Y

Estimate at Completion

#	Description	Paid to Date Costs (thru Dec. 2011)	Estimate to Complete (ETC)	Total - Most Likely	% of Total Project	Range	
						Min	Max
1	Transmission						
2	Subtotal- Transmission						
4	Generation						
5	EPC						
6							
7							
8							
9							
10	Subtotal EPC						
12	Owner Managed Scope						
13	COLA (excl. Labor & Contingency)						
14	Owner Managed Scope						
15	Owner Labor & Staff Augmentation						
16	Perm Plant Equip (Spares, Maintenance Equip etc.)						
17	Real Estate						
	Other Owner Indirects (Fees, Permits, Taxes, Warranty, Ins,						
18	Temp Facilities, etc.)						
19	Subtotal Owner Managed Scope						
21	Other						
22							
23							
24	Subtotal- Other						
26	Total w/o Fuel						
28	Fuel						
29	Fuel						
30	Total with Fuel	\$675	\$18,172	\$18,846		\$15,076	\$21,610

Capital Expenditures by Year

Capital Expenditures by Year (\$ Millions)							
CapEx	PTD 2011	2012	2013	2014	2015	2016+	Total
Prior IPP							17,635.5
This IPP							18,846.3
Difference (Inc.)/Dec.							(1,210.8)

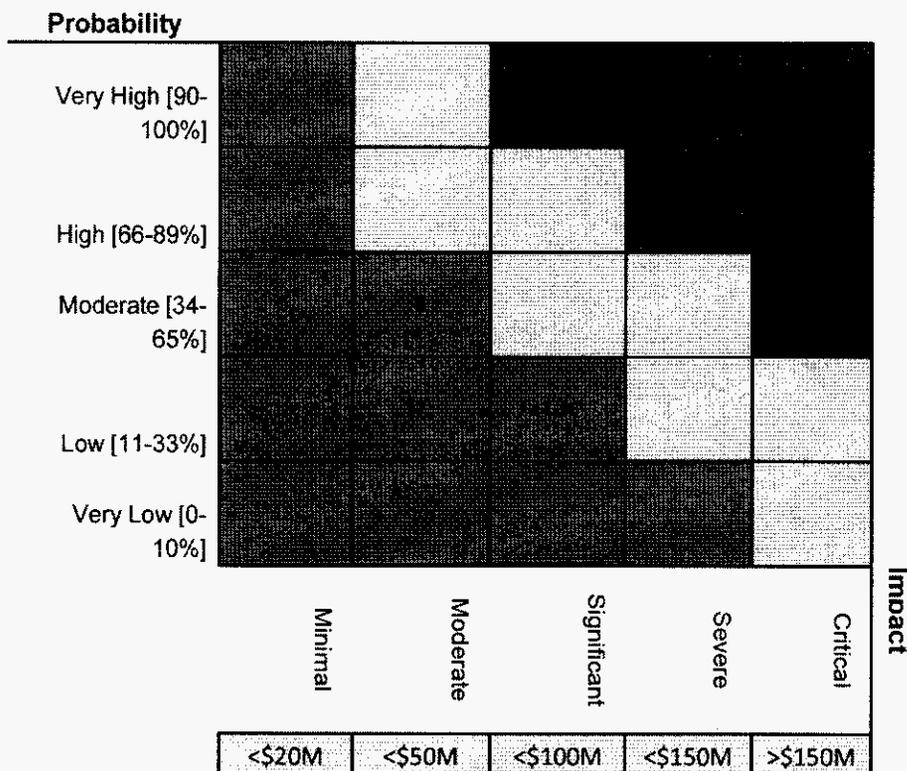
Note: Amounts above exclude AFUDC.

Expected Monetary Values - COLA

Expected Monetary Values [Total Risk Exposure]		
No.	Risk Name	EMV (\$ Millions)
4	Contested hearings could impact schedule	█
5	█ █	█
7	Delay in environmental permit review and issuance	█
8	QA program implementation	█
9	Resolution of LEDPA analysis for USACE could delay licensing proceedings	█
	Total Risk Exposure - All Risks [\$M]	█

Risk Matrix – Near-Term Non-COLA

Rank	[Current / Prior]	Description
5	[G / G]	Modified Transmission Scope Uncertainty
6	[R / R]	[REDACTED]
8	[G / G]	[REDACTED]
10	[G / G]	Change in Timing and Scope of Crystal River Switchyard work
11	[G / G]	[REDACTED]
12	[G / G]	Recruiting Nuclear Operators
13	[G / G]	Land Acquisition required to support transmission, pipeline routing and wetland mitigation
16	[G / NA]	RCC Test Pad Resolution
17	[G / NA]	Aquifer Performance Test



Current Project Risk Exposure [Expected Monetary Value] = [REDACTED]

Note: Detail for "red" and "yellow" risks included in this presentation; please see IPP document for detail of "green" risks.



Expected Monetary Values – Near-Term Non-COLA

Expected Monetary Values [Total Risk Exposure]			
No.	Risk Name	Total Cost Impact (\$ Millions)	EMV (\$ Millions)
5	Modified Transmission Scope Uncertainty	[REDACTED]	[REDACTED]
6	[REDACTED]		
8	[REDACTED]		
10	Change in Timing and Scope of Crystal River Switchyard work		
11	[REDACTED]		
12	Recruiting Nuclear Operators		
13	Land Acquisition required to support transmission, pipeline routing and wetland mitigation		
16	RCC Test Pad Resolution		
17	Aquifer Performance Test		
	Total Risk Exposure - All Risks [\$M]		

Non-COLA Near Term Risk Review #6: [REDACTED]

Risk Description

[REDACTED]

Risk Response Strategy

[REDACTED]

Approval Challenge

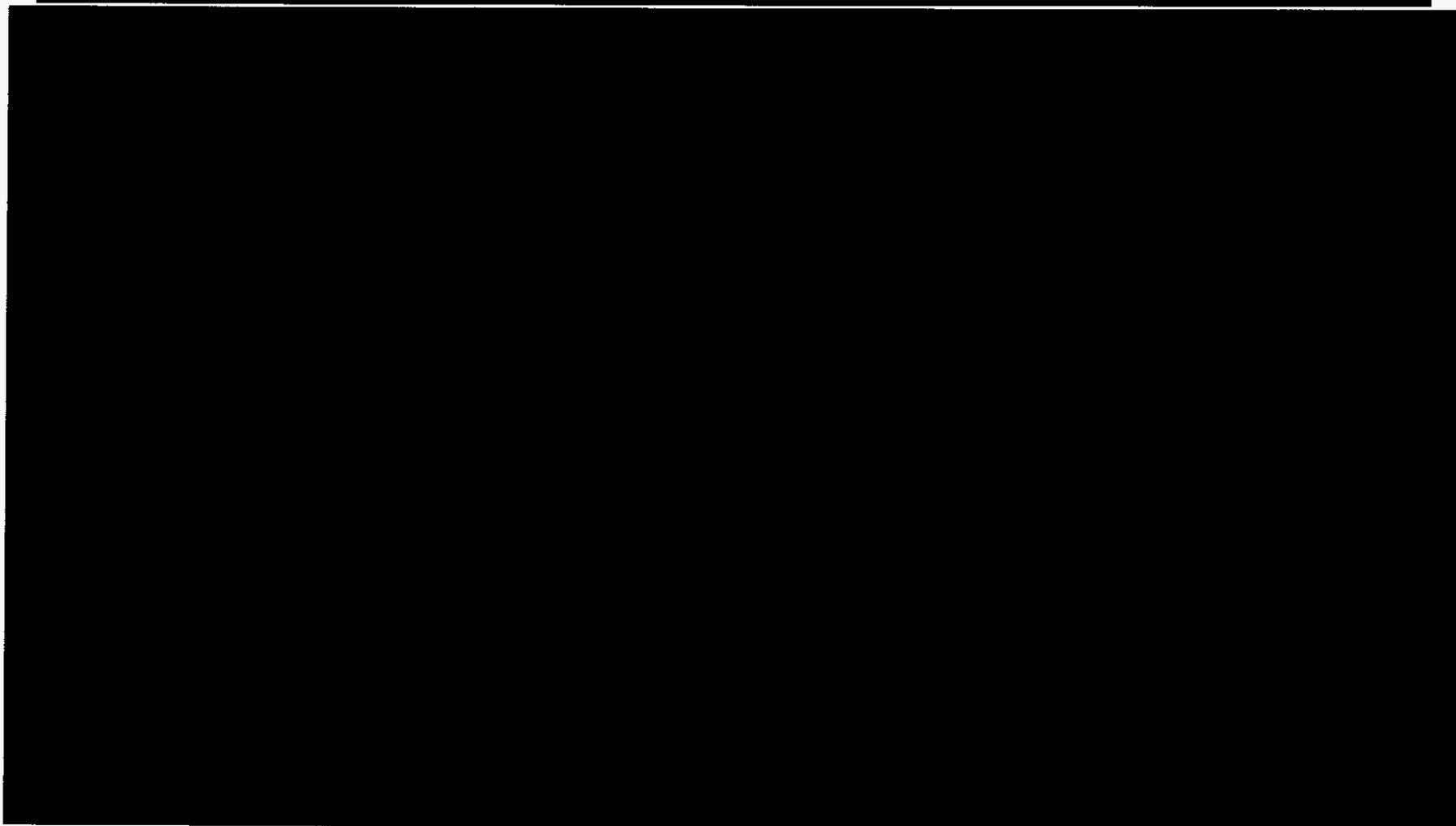
- The project team recommends a shift in the expected in-service dates for the Levy nuclear power plants to 2024 and 2025 in order to mitigate current uncertainty and increased near-term enterprise risks
- The project team recommends continued funding of approximately [REDACTED] through April 2013
 - ◆ Anticipated 3-year spend (2013-2015) of [REDACTED] including LLE PO disposition costs
- Project team will provide update mid-2013 on work progress and any needed funding requests.

Summary of Contract Status

Summary of Contract Status - \$1M and Above							
(\$ Millions)							
Vendor Name	Cost item	Original est'd value	Executed or current est'd value	Change Order / Amend.	Cumulative amended Value	Status	Contract type
EPC Consortium (Westinghouse Electric Company, Stone & Webster Inc.)	EPC						
Joint Venture Team (Sargent & Lundy, CH2M Hill, WorleyParsons)	Lic						
Environmental Services Inc.	Env						

Note 1 -

Long-Lead Equipment (LLE) Disposition Status



PROGRESS ENERGY FLORIDA DOCKET 120009-EI
Seventh Request for Confidential Classification
Confidentiality Justification Matrix
ATTACHMENT C

DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
Progress Energy Florida Response Staff First Request for Production No. 1, Bates No. 12NC-FPSCPOD1-1-000013	All information on page exclusive of header and footer	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC-FPSCPOD1-2-000001	2 nd table, 2 nd column, 1 st row, 1 st line, third word from end, 2 nd line, last word; 3 rd table, 2 nd column, 1 st row, last eight words	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC-FPSCPOD1-2-000004	2 nd bullet point, 2 nd line, second word; 2 nd bullet point sub-bullet, last word on line	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p>

PROGRESS ENERGY FLORIDA DOCKET 120009-EI
Seventh Request for Confidential Classification
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DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
		<p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC- FPSCPOD1-2-000008</p>	<p>Table Columns 1, 2 and 3, all information on 4th, 7th and 8th lines</p>	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC- FPSCPOD1-2-000009</p>	<p>Table Column 1, All information on Lines 6 through 9, 22 and 23; Table Columns 2 through 7, all information exclusive of line 30</p>	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>

PROGRESS ENERGY FLORIDA DOCKET 120009-EI
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DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC-FPSCPOD1-2-000010	All information in Table Columns 2 through 7, years 2011 through 2016+	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC-FPSCPOD1-2-000013	Left Table, All information on 2 nd line exclusive of Rank; Right Table, 3 rd line from bottom, last word	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC-FPSCPOD1-2-000014	Table Designated Row No. 5, all information in 2 nd column; All information in 3 rd column exclusive of header	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p>

PROGRESS ENERGY FLORIDA DOCKET 120009-EI
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DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
		<p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC- FPSCPOD1-2-000015</p>	<p>Left Table Designed as Rows 6, 8 and 11, all information in 3rd column; Right Table, 3rd line from bottom of page, last word</p>	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC- FPSCPOD1-2-000016</p>	<p>Table Designated Rows No. 6, 8 all 11, all information in 2nd column; All information in 3rd and 4th columns exclusive of header</p>	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of</p>

**PROGRESS ENERGY FLORIDA DOCKET 120009-EI
Seventh Request for Confidential Classification
Confidentiality Justification Matrix
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DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
		the information.
Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC-FPSCPOD1-2-000017	First line on page, last two words; 2 nd and 3 rd line on page in their entirety; 1 st and 2 nd paragraphs on page in their entirety exclusive of header	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC-FPSCPOD1-2-000019	2 nd bullet point, 2 nd line, second word; 2 nd bullet point sub-bullet, 1 st line, last word	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC-FPSCPOD1-2-000022	All information in columns 3 through 8, exclusive of headers; Note 1 in its entirety	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services</p>

PROGRESS ENERGY FLORIDA DOCKET 120009-EI
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DOCUMENT	PAGE/LINE/ COLUMN	JUSTIFICATION
		<p>on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>
<p>Progress Energy Florida Response Staff First Request for Production No. 2, Bates No. 12NC- FPSCPOD1-2-000023</p>	<p>All information on page exclusive of header and footer</p>	<p>§366.093(3)(d), Fla. Stat. The document in question contains confidential contractual information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), Fla. Stat. The document portions in question contain confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.</p>