

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

Docket No. 090009-EI
Submitted for Filing: May 22, 2009

**NOTICE OF FILING AFFIDAVIT IN SUPPORT OF PROGRESS ENERGY
FLORIDA'S THIRD 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 GARY FURMAN in support of Progress Energy Florida's Third Request for Confidential Classification.

Respectfully submitted,



JAMES MICHAEL WALLS
MWalls@carltonfields.com
Florida Bar No. 0706242
DIANNE M. TRIPLETT
DTriplett@carltonfields.com
Florida Bar No. 0872431
MATTHEW BERNIER
MBernier@carltonfields.com
Florida Bar No. 0059886
Carlton Fields
4221 West Boy Scout Blvd.
P.O. Box 3239
Tampa, FL 33607
(813) 223-7000/(813) 229-4133 (fax)

R. ALEXANDER GLENN
Alex.Glenn@pgnmail.com
JOHN T. BURNETT
John.Burnett@pgnmail.com
Progress Energy Service Company, LLC
Post Office Box 14042
St. Petersburg, FL 33733-4042
(727) 820-5184/(727) 820-5249 (Fax)
Attorneys for
PROGRESS ENERGY FLORIDA, INC.

PAUL LEWIS JR.
Paul.Lewisjr@pgnmail.com
Progress Energy Service Company, LLC
106 E. College Avenue, Suite 800
Tallahassee, FL 32301
(850) 222-8738/(850) 222-9768 (fax)

RICHARD MELSON
Rick@rmelsonlaw.com
Florida Bar No. 0201243
705 Piedmont Drive
Tallahassee, FL 32312
(850) 894-1351

CUM
EIN
GCL
GPC
EIP
SIC
SFA
ADM
CLK

DOCUMENT NUMBER-DATE

05151 MAY 22 09

FPSC-COMMISSION CLERK

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 22nd day of May, 2009.


Attorney

PAUL LEWIS, JR.
Progress Energy Florida, Inc.
106 East College Avenue, Ste. 800
Tallahassee, FL 32301-7740
Phone: (850) 222-8738
Facsimile: (850) 222-9768
Email: Paul.Lewisjr@pgnmail.com

KEINO YOUNG
LISA BENNETT
JENNIFER BRUBAKER
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399
Phone: (850) 413-6218
Facsimile: (850) 413-6184
Email: KYoung@psc.state.fl.us
LBennett@psc.state.fl.us
JBrubake@psc.state.fl.us

CHARLES REHWINKLE
Associate Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
Phone: (850) 488-9330
Email: Rehwinkle.Charles@leg.state.fl.us

BRYAN S. ANDERSON
JESSICA CANO
Florida Power & Light
700 Universe Boulevard
Juno Beach, FL 33408-0420
Phone: (561) 691-7101
Facsimile: (561) 691-7135
Email: Bryan.Anderson@fpl.com
Jessica.Cano@fpl.com

JOHN W. MCWHIRTER
McWhirter Law Firm
400 North Tampa Street, Ste. 2450
Tampa, FL 33602
Phone: (813) 224-0866
Facsimile: (813) 221-1854
Email: JMcwhirter@mac-law.com

JAMES W. BREW
Brickfield Burchette Ritts & Stone, PC
8th Floor, West Tower
1025 Thomas Jefferson St NW
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807
Email: JBrew@bbrslaw.com

MICHAEL B. TWOMEY
AARP
Post Office Box 5256
Tallahassee, FL 32305
Phone: (850) 421-9530
Email: MikeTwomey@talstar.com

KARIN S. TORAIN
PCS Administration (USA), Inc.
Skokie Blvd., Suite 400
Northbrook, IL 60062
Phone: (847) 849-4291
Email: KSTorain@potashcorp.com

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

Docket No: 090009-EI
Submitted for Filing: May 22, 2008

**UNVERIFIED AFFIDAVIT OF GARY FURMAN IN SUPPORT OF PROGRESS
ENERGY FLORIDA'S THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF _____

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

1. My name is Gary Furman. 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 Manager of Major Projects in the Generation and Transmission Construction Department. As such, I am leading a cross-functional, multi-disciplinary team in the development and execution of the transmission line projects associated with the Levy Nuclear Plant ("LNP").

3. PEF is seeking confidential classification for portions of responsive documents to OPC's First Request for Production of Documents, OPC's First Set of Interrogatories, and

Staff's Second Request for Production of Documents. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Third Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Third Request for Confidential Classification as Exhibit C. PEF is requesting confidential classification of these documents because they include internal audit reports and controls, 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. Specifically, portions of these responsive documents contain confidential contractual data, including pricing agreements and other confidential contractual terms, as well as other competitive business information, such as proposed routes for planned transmission lines. Disclosure of the terms of these agreements would impair PEF's competitive business interests, and would further be a violation of the PEF's confidentiality agreements. 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. For example, if landowners along proposed routes were to know the amount that PEF is willing to pay for such land or even why the land was sought, they could increase the asking price above the level they may have been willing to sell for absent the information.

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, 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.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the _____ day of May, 2009.

(Signature)

Gary Furman
Manager, Major Projects
Generation & Construction Department
Progress Energy Florida
3300 Exchange Place
Lake Mary, FL 32746

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

(Signature)

(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)