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Ruth Nettles

From: Costello, Jeanne [jcostello@carltonfields.com]
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Subject: Filing Docket 090009
Attachments: Docket 090009 Notice of Service of Verified Affidavits in Support of Eleventh 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.
 4221 W. Boy Scout Boulevard, Suite 1000
 Tampa, Florida 33607-5780
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2. This filing is Progress Energy Florida, Inc.'s Notice of Service of Verified Affidavits in support of Progress Energy Florida's Eleventh Request for Confidential Classification filed on July 24, 2009.

3. This filing consists of 9 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 5
Submitted for Filing: August 6, 2009

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

Progress Energy Florida ("PEF" or the "Company"), hereby gives notice of service of the verified affidavits of Garry Miller and Gary Furman in support of Progress Energy Florida's Eleventh Request for Confidential Classification served July 24, 2009.

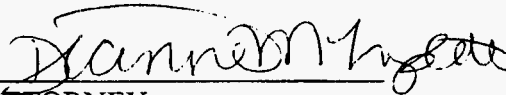
Respectfully submitted,

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JOHN BURNETT
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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-EE
Submitted for Filing: July 24, 2009

AFFIDAVIT OF GARRY MILLER IN SUPPORT OF PROGRESS ENERGY
FLORIDA'S ELEVENTH 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 Eleventh 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.

15386488.1

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DOCUMENT NUMBER-DATE
08056 AUG-5 8
FPSC-COMMISSION CLERK

3. PEF is seeking confidential classification of portions of the Commission's Auditor's Review of PEF's Project Management Internal Controls for Nuclear Plant Uprate and Construction Projects Draft Report, dated July 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 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 information contained in the report contains 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, 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 as well as providing PEF's competitors for such goods and services valuable insight into the Company's strategic planning.


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

Betsy Whaley Cox, Notary Public
Wake County, North Carolina
My Commission Expires 12/21/2011


(Signature)
Betsy Whaley Cox
(Printed Name)

(SEAL.)

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

Docket No: 090009-EI
Submitted for Filing: July 24, 2008

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

STATE OF FLORIDA

COUNTY OF Seminole

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 the Commission's Auditor's Review of PEF's Project Management Internal Controls for Nuclear Plant Uprate and

Construction Projects Draft Report, dated July 2009. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Third Request for Confidential Classification as Attachment C. PEF is requesting confidential classification of this information because it includes 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 this report contain information related to 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.

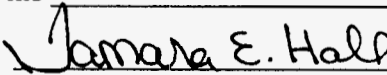
Further affiant sayeth not.

Dated the 30 day of July, 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 30 day of July, 2009 by Gary Furman. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.



(Signature)
Tamara E. Hall

(Printed Name)
NOTARY PUBLIC, STATE OF FL

April 29, 2011

(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



(Serial Number, If Any)