

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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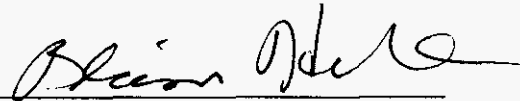
IN RE: NUCLEAR POWER PLANT COST  
RECOVERY CLAUSE

Docket No. 100009-EI  
Submitted for Filing: July 12, 2010

**NOTICE OF FILING AFFIDAVIT IN SUPPORT OF  
PEF'S THIRTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION  
REGARDING AUDIT REPORT NO. PA 10-01-001**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. ("PEF") of filing the affidavits of Jon Franke, John Elnitsky, Sue Hardison and Raymond Phillips in support of Progress Energy Florida's Thirteenth Request for Confidential Classification Regarding Audit Report No. PA 10-01-001.

Respectfully submitted,



R. Alexander Glenn  
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John Burnett  
Associate General Counsel  
Dianne M. Triplett  
Associate General Counsel  
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DOCUMENT NUMBER-DATE  
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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 12<sup>th</sup> day of July, 2010.



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**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: July 12, 2010

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**AFFIDAVIT OF JON FRANKE IN SUPPORT OF PROGRESS ENERGY FLORIDA'S  
THIRTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION  
REGARDING AUDIT REPORT NO. PA 10-01-001**

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 regarding Audit Report No. PA 10-01-001 (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 final audit report of the Florida Public Service Commission Staff ("Staff") Auditors, *Audit Control No. PA 10-01-001* (the "Audit Report"). 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 the Request as Attachment C. PEF is requesting confidential classification of portions of the Audit Report because it contains confidential contractual information, the disclosure of which would impair PEF's competitive business interests and violate PEF's confidentiality agreements with third parties, information gleaned from internal audit controls and reports, technical schedules and outage information, and other information the disclosure of which would impair the Company's competitive business interests.

4. The Company is requesting confidential classification of this information because the Audit Report contains proprietary and confidential information that would impair PEF's competitive business interests if publicly disclosed, as well as information concerning contractual data, the disclosure of which would impair the Company's ability to contract on favorable terms and, in many cases, the information constitutes trade secrets of the Company and its contract partners. In many instances, the disclosure of this information would violate contractual confidentiality provisions. Portions of these documents reflect the Company's internal strategies for evaluating projects and meeting deadlines. The information contains sensitive information concerning the CR3 Uprate Project ("EPU"), including risk assessments, internal EPU procedures, and information concerning the License Amendment Request ("LAR"). Information regarding the EPU and LAR includes highly confidential and proprietary technical information, the release of which would place PEF's competitors at a relative competitive advantage, thereby harming the Company's and its ratepayers' interests.

5. PEF considers this information to 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

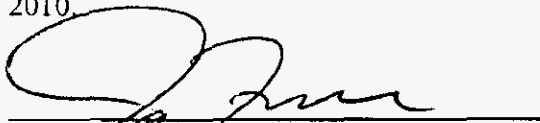
the Company's competitors and/or suppliers changing their offers, consumption, or purchasing behavior within the relevant markets. If other third parties were made aware of confidential contractual terms that PEF has with other parties, they may offer less competitive contractual terms in future contractual 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.

6. 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.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated this 9<sup>th</sup> day of July, 2010.



(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 7<sup>th</sup> day of July, 2010 by Jon Franke. He is personally known to me, ~~or has produced his~~ driver's license, or his \_\_\_\_\_ as identification.

Charlene Miller  
(Signature)

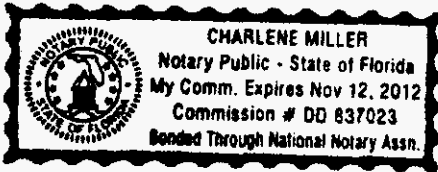
Charlene Miller  
(Printed Name)

NOTARY PUBLIC, STATE OF Florida

11/12/12  
(Commission Expiration Date)

DD 837023  
(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Power Plant Cost  
Recovery Clause

Docket No. 100009-EI  
Submitting for filing: July 12, 2010

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**AFFIDAVIT OF SUE HARDISON IN SUPPORT OF PROGRESS ENERGY FLORIDA'S  
THIRTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION  
REGARDING AUDIT REPORT NO. PA 10-01-001**

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

1. My name is Sue Hardison. I am over the age of 18 years 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 regarding Audit Report No. PA 10-01-001 (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. As General Manager - Corporate Development Group Business Services, I am responsible for financial services for the Corporate Development Group, including budgeting, capital planning and cost management. I am also responsible for project controls and contract administration for the Corporate Development Group.

3. PEF is seeking confidential classification of portions of the final audit report of the Florida Public Service Commission Staff ("Staff") Auditors, *Audit Control No. PA 10-01-001* (the "Audit Report"). 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 the Request as Attachment C. PEF is requesting confidential classification of portions of the Audit Report because it contains confidential contractual information, the disclosure of which would impair PEF's competitive business interests and violate PEF's confidentiality agreements with third parties, information gleaned from internal audit controls and reports, financial and costs information, and other information the disclosure of which would impair the Company's competitive business interests.

4. The Company is requesting confidential classification of this information because the Audit Report contains proprietary and confidential information that would impair PEF's competitive business interests if publicly disclosed, as well as information concerning contractual data, the disclosure of which would impair the Company's ability to contract on favorable terms and, in many cases, the information constitutes trade secrets of the Company and its contract partners. In many instances, the disclosure of this information would violate contractual confidentiality provisions. Portions of the report reflect the Company's internal strategies for evaluating projects and meeting deadlines. 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. PEF must be able to assure these vendors that sensitive business information, such as the terms of their contracts, will be kept confidential. 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 all this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including restricting access to those persons who need the information to assist the Company. At no time since negotiating and receiving the contracts and performing the analyses in question has the Company publicly disclosed the information or the terms of the contracts at issue. The Company has treated and continues to treat the information at issue as confidential.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated this 8 day of July, 2010.

Sue Hardison  
(Signature)  
Sue Hardison  
General Manager – Corporate Development Group  
Business Services

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 8 day of July, 2010 by Sue Hardison. She is personally known to me or has produced her Mt driver's license, or her N/A as identification. in Wake County

Dawn M Bisson  
(Signature)  
Dawn M Bisson  
(Printed Name)  
NOTARY PUBLIC, STATE OF \_\_\_\_\_  
May 3, 2011  
(Commission Expiration Date)  
N/A  
(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)  
DAWN M. BISSON  
Notary Public, North Carolina  
Wake County  
My Commission Expires  
May 03, 2011

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery Clause

Docket No: 100009-EI  
Submitted for Filing: July 12, 2010

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**AFFIDAVIT OF RAYMOND PHILLIPS IN SUPPORT OF PROGRESS ENERGY  
FLORIDA'S THIRTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION  
REGARDING AUDIT REPORT NO. PA 10-01-001**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Raymond Phillips. 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 regarding Audit Report No. PA-10-01-001 (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am an Audit Manager for Progress Energy, Inc. ("PGN"). This department manages internal audits on various projects. Within the PGN internal audit department, I am the Audit Manager primarily responsible for audits of PEF. As the Florida Audit Manager, I am responsible for the completion of internal audits scheduled for PEF projects. I also have knowledge as to PEF's internal auditing controls and how PGN carries out the process of conducting internal audits.

3. PEF is seeking confidential classification of portions of the final audit report of the Florida Public Service Commission Staff ("Staff") Auditors, *Audit Control No. PA 10-01-001* (the "Audit Report"). 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 the Request as Attachment C. PEF is requesting confidential classification of portions of the Audit Report because it contains confidential contractual information, the disclosure of which would impair PEF's competitive business interests and violate PEF's confidentiality agreements with third parties, information gleaned from internal audit controls and reports, and other information the disclosure of which would impair the Company's competitive business interests.

4. Specifically, the Audit Report contains internal audit information, reports, and workpapers information that resulted from the internal audit of the Company's various projects. PEF is requesting confidential classification of the information in these reports and workpapers because public disclosure of the information in question would compromise PEF's ability to effectively audit the Company's major projects. If the Company were to know that its internal auditing controls and process were subject to public disclosure, it would compromise the level of cooperation needed with auditors to efficiently conduct audits. In addition, such information and documents are specifically defined by Section 366.093(3)(b) as proprietary confidential business information that is entitled to confidential status.


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 8 day of July, 2010.

  
(Signature)  
Raymond Phillips  
Progress Energy Services Company, LLC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 8<sup>th</sup> day of July, 2010, by Raymond Phillips. He is personally known to me, or has produced his FLORIDA driver's license, or his \_\_\_\_\_ as identification.

  
(Signature)

CYNTHIA T. WIGGINS  
(Printed Name)

NOTARY PUBLIC, STATE OF NC

OCTOBER 1, 2010  
(Commission Expiration Date)

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

(AFFIX NOTARIAL SEAL)



**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: July 12, 2010

**AFFIDAVIT OF JOHN ELNITSKY IN SUPPORT OF PROGRESS ENERGY FLORIDA'S  
THIRTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION  
REGARDING AUDIT REPORT NO. PA 10-01-001**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is John Elnitsky. I am over the age of 18 years 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. As Vice President of the Nuclear Plant Development ("NPD") department, I am responsible for the licensing and construction of the Levy Nuclear Project ("LNP"), including the direct management of the Engineering, Procurement, and Construction Agreement ("EPC Agreement") with Westinghouse and Shaw, Stone, & Webster (the "Consortium"). The Company reorganized the NPD in May 2009 to focus the NPD on overall program management of the LNP including the associated base load transmission projects. The revised NPD Program Management Team ("PMT") included the nuclear plant licensing, engineering, construction, operational readiness, and base load transmission sections and matrixed support from

representatives of project controls, business and financial services, and contract management and administration.

3. PEF is seeking confidential classification of portions of the final audit report of the Florida Public Service Commission Staff (“Staff”) Auditors, *Audit Control No. PA 10-01-001* (the “Audit Report”). 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 the Request as Attachment C. PEF is requesting confidential classification of the Audit Report because it contains confidential contractual information, the disclosure of which would impair PEF’s competitive business interests and violate PEF’s confidentiality agreements with third parties, information gleaned from internal audit controls and reports, and other information the disclosure of which would impair the Company’s competitive business interests.

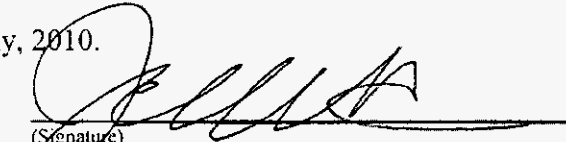
4. The public disclosure of this report would allow other parties to discover how the Company analyzes risk options, scheduling, and cost, and would impair PEF’s ability to contract for such goods and services on competitive and favorable terms. Portions of this report reflect the Company’s internal strategies for evaluating projects and meeting deadlines. 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. PEF must be able to assure these vendors that sensitive business information, such as the terms of their contracts, will be kept confidential. Additionally, as discussed above, some of the contracts at issue contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. The information at issue relates to competitively negotiated

contractual data, such as quantity and pricing of goods and services, payment milestones and other contractual terms, the disclosure of which would impair the efforts of the Company to negotiate these contracts on favorable terms. 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.

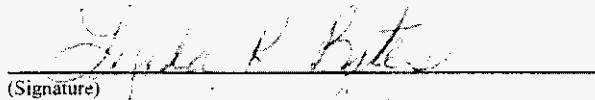
5. Upon receipt of all this confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information in the report, including restricting access to those persons who need the information to assist the Company. At no time since negotiating and receiving the contracts and performing the analyses in question has the Company publicly disclosed the information or the terms of the contracts at issue. The Company has treated and continues to treat the information at issue as confidential.

6. This concludes my affidavit.

Dated this 9 day of July, 2010.

  
(Signature)  
John Elnitsky, Vice President of New Generation Programs  
& Projects

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 9 day of July, 2010 by John Elnitsky. He is personally known to me, ~~or has produced his~~ \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

  
(Signature)

LYNDA K BATES  
(Printed Name)

NOTARY PUBLIC, STATE OF FL

2/27/14  
(Commission Expiration Date)

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

(AFFIX NOTARIAL SEAL)

