

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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COMMISSION
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IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

Docket No. 100009-EI
Submitted for Filing: July 20, 2010

**NOTICE OF FILING AFFIDAVIT IN SUPPORT OF
PEF'S SEVENTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION
REGARDING DIRECT TESTIMONY AND EXHIBITS OF
WILLIAM R. JACOBS, JR., PH.D.**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. ("PEF") of filing the affidavits of John Elnitsky in support of Progress Energy Florida's Seventeenth Request for Confidential Classification Regarding the Direct Testimony and Exhibits of William R. Jacobs, Jr., Ph.D.

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 27th day of July, 2010.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost
Recovery Clause

Docket No. 100009-EI
Submitting for filing: July 29, 2010

**AFFIDAVIT OF JOHN ELNITSKY IN SUPPORT OF PROGRESS ENERGY FLORIDA'S
SEVENTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

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 regarding the Testimony of William R. Jacobs, Jr., Ph.D., given in this docket and filed on July 14th, 2010. The facts attested to in my affidavit are based upon my personal knowledge.

2. As Vice President of New Generation Programs and Projects, 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").

3. PEF is seeking confidential classification of portions of the Testimony of William R. Jacobs, Jr., Ph.D., given in this docket and filed on July 14th, 2010 (the "Testimony"). The Testimony contains confidential contractual information, the disclosure of which would impair PEF's competitive business interests, as well as information pertaining to internal audit reports

and controls. 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 Testimony 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. The Company is requesting confidential classification of this information because it 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 Testimony 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. Indeed, the information contained in the Testimony 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.

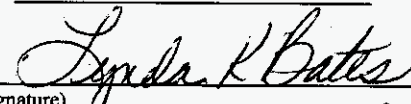
6. This concludes my affidavit.

Further affiant sayeth not.

Dated this 23 day of July, 2010.


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

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 23 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)

