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May 2, 2011

Ann Cole, Director  
Office of the Commission Clerk  
PSC Recording & Filing  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399

Re: In re: Nuclear Cost Recovery Clause  
Docket No. 110009

Dear Ms. Cole:

Enclosed for filing on behalf of Progress Energy Florida, Inc. are the following:

- 1. Progress Energy Florida, Inc.'s Petition for Approval of Nuclear Costs to be Recovered During the Period of January - December 2012, including Final True-Up for Prior Recovery Periods, Actual/Estimated True-Up for the Period Ending December 2011 and Projections for the Period Ending December 2012 (original and 7 copies);
- 2. Direct Testimony of Thomas G. Foster in Support of Estimated/Actual, Projection and True-Up to Original Costs on behalf of Progress Energy Florida (original and 15 copies); 03018-11
- 3. Direct Testimony of Jon Franke (original and 15 copies); 03019-11
- 4. Direct Testimony of Sue Hardison in Support of Actual /Estimated and Projected Costs on behalf of Progress Energy Florida (original and 15 copies); 03020-11
- 5. Direct Testimony of John Elnitsky (original and 15 copies); 03021-11
- 6. Progress Energy Florida's Third Request for Confidential Classification Regarding Portions of the Testimonies, Exhibits & NFRs Filed as Part of the Company's May 2, 2011 Petition for Approval of Costs to be Recovered (original and 7 copies); and

7. Notice of Filing Affidavits in Support of Progress Energy Florida, Inc.'s Third Request for Confidential Classification (original and 7 copies).

*4 NCR containing all the above.*

Sincerely,

Blaise N. Huhta

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Enclosures

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost  
Recovery Clause

Docket No. 110009-EI  
Submitted for Filing: May 2, 2011

**PROGRESS ENERGY FLORIDA, INC.'S PETITION FOR APPROVAL OF NUCLEAR COSTS TO BE RECOVERED DURING THE PERIOD JANUARY-DECEMBER 2012, INCLUDING FINAL TRUE-UP FOR PRIOR RECOVERY PERIODS, ACTUAL/ESTIMATED TRUE-UP FOR THE PERIOD ENDING DECEMBER 2011, AND PROJECTIONS FOR THE PERIOD ENDING DECEMBER 2012**

Pursuant to Section 366.93(3), Florida Statutes, and Rule 25-6.0423, F.A.C., Progress Energy Florida ("PEF" or the "Company") respectfully petitions the Florida Public Service Commission ("PSC" or the "Commission") for the recovery of PEF's costs for the (1) Levy Units 1 and 2 advanced design nuclear power plants (the "Levy Nuclear Project" or "LNP"), and (2) construction of the Crystal River Unit 3 ("CR3") nuclear plant power uprate project ("CR3 Uprate"). Under Section 366.93 and Rule 25-6.0423, PEF is entitled to recover \$157,677,807 through the Capacity Cost Recovery Clause ("CCRC") during the period January through December 2012 for the LNP and CR3 Uprate project, based on and supported by the testimony and exhibits of PEF's witnesses in this proceeding.

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**I. RECOVERY OF NUCLEAR COSTS FOR LNP AND CR3 UPRATE PROJECT IN 2012 PURSUANT TO THE NUCLEAR COST RECOVERY STATUTE AND RULE.**

Pursuant to the nuclear cost recovery statute and rule, PEF is entitled to recover \$157,677,807 through the CCRC during the period January through December 2012. This total amount of nuclear costs reflects (a) the true-up of prior period costs for the LNP and CR3 Uprate; (b) the projected pre-construction, recoverable operation and maintenance ("O&M"), and carrying charges on the Deferred Tax Liability ("DTA") costs and associated carrying charges for the construction of the LNP; (c) the amortization of \$115 million of the rate management

deferred balance of the LNP; (d) the projected carrying charges on construction costs for the construction of the LNP; and (e) the projected carrying charges on construction costs, recoverable O&M costs, and carrying charges on the DTA for the CR3 Uprate project. PEF requests a determination that all of PEF's prior period LNP and CR3 Uprate project costs are prudent and all of PEF's estimated/actual 2011 costs and projected 2012 costs for the LNP and CR3 Uprate project are reasonable. PEF supported the prudence of its prior period LNP and any CR3 Uprate project costs with its petition, testimony, exhibits, and Nuclear Filing Requirements ("NFRs") filed with the Commission on March 1, 2011, which are hereby incorporated by reference. PEF further supports this petition with the direct testimony of Ms. Sue Hardison, Messrs. John Elnitsky, Thomas G. Foster, and Jon Franke, and the NFR schedules consistent with the Rule 25-6.0423, F.A.C filed herewith and incorporated by reference.

## II. PRELIMINARY INFORMATION.

1. The Petitioner's name and address are:

Progress Energy Florida, Inc.  
299 1st Ave. N.  
St. Petersburg, Florida 33701

2. Any pleading, motion, notice, order, or other document required to be served upon PEF or filed by any party to this proceeding should be served upon the following individuals:

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### III. PRIMARILY AFFECTED UTILITY.

3. PEF is the utility primarily affected by the proposed request for cost recovery.

PEF is an investor-owned electric utility, regulated by the Commission pursuant to Chapter 366, Florida Statutes, and is a wholly owned subsidiary of Progress Energy, Inc. The Company's principal place of business is located at 299 1st Ave. N., St. Petersburg, Florida 33701.

4. PEF serves approximately 1.6 million retail customers in Florida. Its service area comprises approximately 20,000 square miles in 35 of the state's 67 counties, encompassing the densely populated areas of Pinellas and western Pasco Counties and the greater Orlando area in Orange, Osceola, and Seminole Counties. PEF supplies electricity at retail to approximately 350 communities and at wholesale to about 21 Florida municipalities, utilities, and power agencies in the State of Florida.

5. In 2006, the Florida Legislature enacted Section 366.93, Florida Statutes, to encourage utility investment in nuclear electric generation through alternative cost recovery

mechanisms established by the Commission. The Legislature required the design of cost recovery mechanisms that promoted utility investment in nuclear power plants and allowed for the recovery in rates of all prudently incurred costs.<sup>1</sup> Pursuant to this Legislative directive, the Commission adopted Rule 25-6.0423, F.A.C., in Order No. PSC-07-0240-FOF-EI, to establish the cost recovery mechanisms required by Section 366.93. PEF seeks cost recovery pursuant to Section 366.93 and Rule 25-6.0423 for the CR3 Uprate project and the LNP.

#### **IV. BACKGROUND**

##### **A. CR3 Uprate Project.**

6. On February 7, 2007, this Commission issued Order No. PSC-07-0119-FOF-EI, granting PEF's petition for determination of need for the expansion of the CR3 nuclear power plant through the CR3 Uprate project. The third and final phase of the CR3 Uprate project, the Extended Power Uprate ("EPU"), is currently scheduled to be performed during the next CR3 refueling outage. The joint owners of CR3 have indicated that they are electing to take their share of the additional uprate MWe, and their share of the costs incurred to obtain these additional MWe.

7. PEF requests a determination of prudence for PEF's CR3 Uprate project 2009 costs and 2009 project management, contracting, and oversight controls pursuant to Commission Order No. PSC-11-0095-FOF-EI, issued on February 2, 2011. Based on this Order, the Company's 2009 actual CR3 Uprate costs were determined to be reasonable and PEF was permitted to recover them. The Commission deferred, however, the determination of the prudence of PEF's 2009 actual CR3 Uprate project costs to the 2011 Nuclear Cost Recovery Clause ("NCRC") proceeding to address issues that were raised with respect to PEF's

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<sup>1</sup> The Florida Legislature amended and reaffirmed its support of Section 366.93 twice, in 2007 and 2008, to include integrated gasification combined cycle plants and new, expanded, or relocated transmission lines and facilities necessary for the new power plants, respectively.

management of the License Amendment Request (“LAR”) development process in 2009. Mr. Franke’s and Mr. Garrett’s March 1, 2011 testimony and exhibits provide support for the prudence of these 2009 costs and the 2009 CR3 Uprate project management, contracting, and oversight controls. The EPU LAR development process costs in 2009 were prudent. These costs relate to the management of the draft EPU LAR document by PEF's contractor. Any quality and completeness issues were corrected at no additional cost to PEF and its customers, and any additional engineering work to meet evolving Nuclear Regulatory Commission (“NRC”) expectations for EPU LAR submittals or that was otherwise needed for the EPU LAR document was necessary and prudently incurred. PEF and its customers paid no more than they should have paid to obtain an EPU LAR document consistent with then-current NRC expectations for EPU LAR submittals. The LAR development costs represent a small fraction of the total CR3 Uprate project costs in 2009. The bulk of the 2009 CR3 Uprate project costs were incurred for the Balance of Plant (“BOP”) phase work that was performed during the CR3 refueling outage in 2009 and for engineering analyses that supported the LAR and the EPU work to be performed during the next CR3 refueling outage. These costs were necessary for CR3 Uprate project work that was performed in 2009 and that will be performed during the next CR3 refueling outage. PEF requests that the Commission find that the balance of PEF’s costs for the CR3 Uprate project in 2009 was prudently incurred.

8. PEF prudently incurred construction costs during 2010 for its CR3 Uprate project and seeks to recover its carrying costs on these 2010 construction expenditures, pursuant to Section 366.93, Fla. Stat., and Rule 25-6.0423, F.A.C., in this proceeding. PEF incurred construction costs for preparation for Phase 3, the EPU phase, during the Company’s next refueling outage for CR3. The majority of these costs were incurred for necessary engineering

analyses for the engineering change packages for the Phase 3 work, for long lead item payments, and for related licensing and project management work. The direct testimony and exhibits of Mr. Franke and Mr. Garrett filed on March 1, 2011 support the Company's request for cost recovery pursuant to the nuclear cost recovery rule for costs incurred in 2010 for the CR3 Uprate project and the Company's request for a prudence determination of the costs incurred for the project in 2010. Mr. Franke also provides testimony regarding PEF's 2010 CR3 Uprate project management, contracting, and oversight controls policies and procedures. Mr. Franke explains that these policies and procedures are designed to manage the project, project costs, and maintain the project schedule and they are reasonable and prudent. Mr. Garrett provides testimony regarding the 2010 CR3 Uprate project accounting and cost oversight controls and explains why they are prudent.

9. CR3 Uprate project costs were incurred for the first quarter of 2011, and will continue to be incurred for the remainder of 2011 and 2012. These costs are related to activities that are necessary in order to meet the Company's current goal of performing the Phase 3 (EPU) CR3 Uprate work during the next CR3 refueling outage and in submitting the EPU LAR to the NRC in 2011. This schedule and the estimated and projected costs for the EPU work were developed prior to the discovery of the second delamination at CR3. This second delamination is unrelated to the EPU phase work. The Company is currently performing engineering analyses of the second delamination and evaluating its options for CR3 and the EPU phase of the CR3 Uprate project, including repair of the second delamination and continuation of the EPU work on the same or similar schedule. As a result, work on the EPU phase has slowed where reasonable to do so while still maintaining the capability of completing the EPU phase during the next CR3 refueling outage in accordance with the current schedule. The direct testimony and exhibits of



Mr. Franke, filed contemporaneously with this petition, supports the actual/estimated and projected costs for 2011 and 2012, respectively, and explains the reasonableness of these costs for the CR3 Uprate project. Further, Mr. Franke's testimony explains the CR3 EPU's feasibility, pursuant to Rule 25-6.0423(5)(c)5., F.A.C. Mr. Foster's testimony and attached NFRs also supports these costs.

10. PEF requests that the Commission find that PEF's 2009 and 2010 costs for the CR3 Uprate project were prudently incurred, that PEF's 2011 actual/estimated and 2012 projected CR3 Uprate project costs are reasonable, and allow recovery, through the CCRC, of the carrying costs associated with the construction costs, carrying cost on the deferred tax balance, and CCRC recoverable O&M expenditures, as provided in Section 366.93, Florida Statutes and consistent with the nuclear cost recovery rule, Rule 25-6.0423, F.A.C.

**B. Levy Nuclear Project.**

11. On March 11, 2008, PEF petitioned this Commission for an affirmative determination of need for the LNP and associated transmission facilities, pursuant to Section 403.519(4), Florida Statutes, and the Commission's Rules. The Commission approved PEF's need petition on August 12, 2008. See Order No. PSC-08-0518-FOF-EI. The LNP will consist of two Westinghouse AP1000 nuclear-fueled generating units.

12. In the 2010 NCRC proceeding, the Commission determined that PEF's decision to amend the Engineering, Procurement, and Construction ("EPC") Agreement for the LNP to focus work on obtaining the LNP Combined Operating License Application ("COLA") and defer most other LNP work until the Combined Operating License ("COL") for the LNP is obtained was reasonable. Actual 2010 site selection costs, preconstruction costs, and construction costs for the LNP were incurred in connection with the implementation of this Company decision.



13. In 2010, PEF incurred costs for licensing application and engineering activities to support the LNP COLA, environmental permitting, and conditions of certification for the LNP. PEF also incurred costs for engineering and procurement activities under the EPC Agreement and for the disposition of Long Lead Equipment (“LLE”) Purchase Orders (“PO”). The March 1, 2011 testimony and exhibits of John Elnitsky, Sue Hardison, and Will Garrett provided further details relating to the prudence of these and other costs incurred for the LNP in 2010. Ms. Hardison also provides testimony regarding the prudence of PEF’s 2010 LNP project management, contracting, and oversight controls policies and procedures. Mr. Garrett provides testimony regarding the prudence of the 2010 LNP accounting and cost oversight controls.

14. Additionally, PEF has incurred LNP costs during the first quarter of 2011, and has estimated the project costs necessary for the remainder of 2011 and 2012. These costs include LLE PO disposition costs, continued COLA and environmental permit licensing and engineering costs, and strategic land acquisition costs for transmission lines, among other costs necessary to the LNP. These costs are reasonable, and the Commission should allow their recovery through the CCRC. The May 2, 2011 testimony of Sue Hardison supports the Company’s actual/estimated and projected LNP costs for 2011 and 2012, respectively. Mr. Foster’s testimony and attached NFRs also support these costs. Finally, the May 2, 2011 testimony and exhibits of John Elnitsky support the LNP costs and continuing feasibility of completing the LNP.

15. PEF requests that the Commission find that PEF’s costs for the LNP, incurred in 2010, were prudently incurred, and allow recovery, through the CCRC, of the preconstruction costs inclusive of the carrying cost on the unrecovered balance, carrying costs on construction costs, carrying cost on the deferred tax balance, and CCRC recoverable O&M expenditures, as

provided in Section 366.93, Florida Statutes and consistent with the nuclear cost recovery rule, Rule 25-6.0423, F.A.C. Additionally, PEF requests that the Commission find that PEF's actual/estimated and projected LNP costs for 2011 and 2012, respectively, are reasonable, and allow recovery through the CCRC of the continuing costs of work for the LNP, as provided in Section 366.93, Florida Statutes and consistent with the nuclear cost recovery rule, Rule 25-6.0423, F.A.C.

**V. PEF REQUESTS COST RECOVERY FOR THE CR3 UPRATE PROJECT AS PROVIDED IN SECTION 366.93, FLORIDA STATUTES, AND THE NUCLEAR COST RECOVERY RULE, RULE 25-6.0423, F.A.C.**

16. PEF requests that, pursuant to Rule 25-6.0423, F.A.C., the Commission determine that PEF's 2011 and 2012 CR3 Uprate project costs are reasonable, and approve the collection of the revenue requirements associated with these costs in the CCRC. These costs total \$94,283,759 in 2011 and \$87,473,540 in 2012. The revenue requirements associated with these costs total \$22.3 million.

17. As discussed above, in 2011 and 2012, PEF will continue work to maintain its capability to perform the EPU phase of the CR3 Uprate on the current schedule. CR3 Uprate work is continuing in order to maintain the Company's ability to complete the project on the current schedule, and certain costs are being, and will continue to be, incurred. Detailed descriptions of these expenditures, the estimated and projected costs, the contracts executed, the carrying costs, and the other information required by Rule 25-6.0423(8) F.A.C., are provided in PEF's pre-filed testimony, exhibits, and NFR schedules. Accordingly, PEF requests that the Commission approve as reasonable PEF's actual/estimated and projected costs for the CR3 Uprate Project for the remainder of 2011 and 2012, and authorize recovery in the CCRC.

**VI. PEF REQUESTS COST RECOVERY FOR THE LEVY NUCLEAR PROJECT AS PROVIDED IN SECTION 366.93, FLORIDA STATUTES, AND THE NUCLEAR COST RECOVERY RULE, RULE 25-6.0423, F.A.C.**

18. PEF requests that, pursuant to Rule 25-6.0423, F.A.C., the Commission determine that PEF's 2011 and 2012 LNP costs are reasonable, and approve the collection of the revenue requirements associated with these costs in the CCRC. These costs total \$64,050,001 in 2011 and \$46,285,896 in 2012. The revenue requirements associated with these costs total \$135.4 million. Detailed descriptions of these expenditures, the estimated and projected costs, the contracts executed, the carrying costs, and the other information required by Rule 25-6.0423(8) F.A.C., are provided in PEF's pre-filed testimony, exhibits, and NFR schedules, which are hereby incorporated by reference.

19. As discussed above, PEF's 2011 and 2012 LNP costs reflect a primary focus on obtaining the required COL from the NRC. Additional costs incurred were related to environmental permitting and implementation of the conditions of certification in the SCA approved by the Siting Board. This work is necessary to obtain the licenses and permits required for the LNP. Additionally, under the EPC Agreement, PEF incurred and will continue to incur costs for LLE items, support costs, and PO management and disposition. Furthermore, costs will be incurred for the continued activity related to strategic land acquisitions for transmission lines. All of the 2011 and 2012 costs are necessary for the LNP and reasonable.

20. PEF remains committed to the LNP, and the completion of the LNP remains feasible. PEF continues to need base load, advanced nuclear generating capacity on its system, and PEF and Florida need a more diverse energy portfolio to decrease their dependence on fossil fuels such as coal, natural gas, and oil, which can be extremely volatile in price and supply. New, advanced-design nuclear power remains the best available technology to provide reliable

electric service and to make significant reductions in greenhouse gas emissions, and Florida remains the national leader in progressive public policy to support the development of new, advanced nuclear power.

## **VII. DISPUTED ISSUES OF MATERIAL FACT.**

21. PEF is not aware at this time that there will be any disputed issues of material fact in this proceeding. Through its testimony and exhibits, incorporated herein by reference, PEF has demonstrated the prudence of its prior period actual costs and the reasonableness of its 2011 and 2012 costs associated with the LNP and the CR3 Uprate project. PEF has also demonstrated through its testimony and exhibits why the recovery PEF requests is appropriate and warranted under Section 366.93, Florida Statutes, and Rule 25-6.0423, F.A.C.

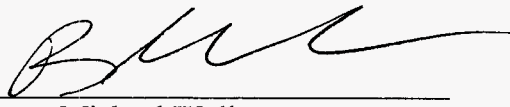
## **VIII. CONCLUSION.**

WHEREFORE, for all the reasons provided in this Petition, as developed more fully in PEF's pre-filed testimony and exhibits, PEF requests that the Commission find that: (1) PEF is entitled to recover \$157,677,807 through the CCRC during the period January through December 2012, which amount reflects (a) the true-up of prior period costs for the LNP and CR3 Uprate, (b) the projected pre-construction, recoverable O&M, and carrying charges on the DTA costs and associated carrying charges for the construction of the LNP, (c) the amortization of \$115 million of the rate management deferred balance of the LNP, (d) the projected carrying charges on construction costs for the construction of the LNP, and (e) the projected carrying charges on construction costs, recoverable O&M costs, and carrying charges on the DTA for the CR3 Uprate project; and (2) a determination that all of PEF's prior period LNP and CR3 Uprate project costs are prudent and all of PEF's estimated/actual 2011 costs and projected 2012 costs

for the LNP and CR3 Uprate project are reasonable, as provided in Section 366.93, Florida Statutes, and consistent with the Rule 25-6.0423, F.A.C.

Respectfully submitted this 2<sup>nd</sup> day of May, 2011.

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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 2<sup>nd</sup> day of May, 2011.

  
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