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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CLERK

In re: Nuclear Power Plant Cost Recovery Clause

Docket No. 110009-EI Submitting for filing: June 30, 2011

AFFIDAVIT OF JOHN ELNITSKY IN SUPPORT OF PROGRESS ENERGY FLORIDA, INC.'S NINTH 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 portions of its responses to the Office of Public Counsel's ("Citizens") Fourth Set of Interrogatories (Nos. 33-60), specifically number 36, documents produced in response to number 55, and Citizens' Fourth Request for Production of Documents (Nos. 20-26), specifically numbers 21 and 23 (the "Request"). 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 its responses to Citizens' Fourth Set of Interrogatories, specifically portions of the responses to interrogatory number 36,

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and documents produced in response to interrogatory number 55, and documents produced in response to Citizens' Fourth Request for Production of Documents, numbers 21 and 23. 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 PEF's Request as Appendix C.

4. The Company is requesting confidential classification of this information because it contains proprietary and confidential information received from third-party vendors under pursuant to contractual agreements with those vendors. Those agreements contain non-disclosure provisions that limit the use and forbid the dissemination of the information. The disclosure of this would impair the Company's ability to contract on favorable terms, or at all, for such information. The Company requires this information for use in analyzing the continued feasibility of its projects and to aid its management in long-term planning. The Company and its customers would be harmed if PEF were not able to contract for the use of this information on favorable terms.

5. Also included in the responses are presentations and other meeting materials provided to the Company's Senior Management Committee. This material includes proprietary confidential information that is not disseminated outside of Senior Management and other employees who need the information to perform their jobs. The information includes, among other things, risk analyses, analyses of the various options PEF has confronted, as well as confidential contractual terms. Publication of this information would provide PEF's competitors and those that PEF would wish to contract with valuable insight into the Company's strategic planning. Without the Company's measures to maintain the confidentiality of the negotiation process, the Company's efforts to obtain competitive contracts could be undermined to the

detriment of PEF and its ratepayers. Furthermore, dissemination of this information in many cases would violate contractual confidentiality provisions, most notably the provisions of the LNP EPC Agreement.

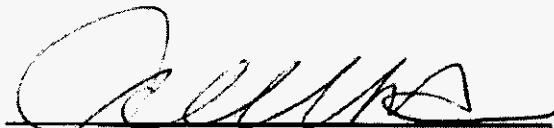
6. Also included in the responses is information related to the ongoing negotiations with potential joint-owners of the LNP. The Company is maintaining the confidentiality of the details of these negotiations, including the identity of the potential joint-owners. Public release of the identities and other details of the negotiations could harm PEF's competitive negotiating position, and possibly lead to the end of negotiations all together. PEF must be able to maintain the confidentiality of its negotiations with potential joint owners in order to be in the best position to negotiate a favorable agreement that benefits the Company and its customers. Without the Company's measures to maintain the confidentiality of the negotiation process, the Company's efforts to obtain competitive contracts could be undermined to the detriment of PEF and its ratepayers.

7. 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 has the Company publicly disclosed the information at issue. The Company has treated and continues to treat the information at issue as confidential.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated this 20<sup>th</sup> day of June 2011.



(Signature)

John Elnitsky, Vice President of New Generation Programs and Projects

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 20<sup>th</sup> day of June, 2011 by John Elnitsky. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.



(Signature)

Joanne A. Godsey-Baur

(Printed Name)

NOTARY PUBLIC, STATE OF Florida

August 8, 2011

(Commission Expiration Date)

DD 703482

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC-STATE OF FLORIDA  
Joanne A. Godsey-Baur  
Commission # DD703482  
Expires: AUG. 08, 2011  
BONDED THRU ATLANTIC BONDING CO., INC.