

## Diamond Williams

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**From:** Costello, Jeanne [jcostello@carltonfields.com]  
**Sent:** Wednesday, July 27, 2011 3:43 PM  
**To:** Filings@psc.state.fl.us  
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**Subject:** Filing DOCKET 110009  
**Attachments:** Docket 110009 PEF Notice of Filing Verified Affidavit.pdf



Docket 110009  
EF Notice of Fi.

<<Docket 110009 PEF Notice of Filing Verified Affidavit.pdf>> Docket  
110009

In re: Nuclear Cost Recovery Clause

1. This document is being filed by

Jeanne Costello on behalf of Blaise N. Huhta  
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2. The document is being filed on behalf of Progress Energy Florida, Inc.
3. The document is Progress Energy Florida, Inc.'s Notice of Filing.
4. This document contains six (6) pages.

DOCUMENT NUMBER-DATE

05218 JUL 27 =

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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IN RE: NUCLEAR POWER PLANT  
COST RECOVERY CLAUSE

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Docket No. 110009-EI  
Submitted for Filing: July 27, 2011

**PROGRESS ENERGY FLORIDA, INC.'S NOTICE OF FILING**

Progress Energy Florida, Inc. ("PEF" or the "Company"), hereby gives notice of filing of the verified Affidavit of John Elnitsky in support of Progress Energy Florida, Inc's Sixteenth Request for Confidential Classification.

Respectfully submitted,

R. Alexander Glenn  
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John Burnett  
Associate General Counsel  
PROGRESS ENERGY SERVICE  
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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 Mail this 27<sup>th</sup> day of July, 2011.

  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Power Plant Cost  
Recovery Clause

Docket No. 110009-EI  
Submitting for filing: July 25, 2011

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**AFFIDAVIT OF JOHN ELNITSKY IN SUPPORT OF PROGRESS ENERGY FLORIDA,  
INC.'S SIXTEENTH 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, Inc. (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 Exhibit JE-12 and Exhibit JE-13 to my Rebuttal Testimony and to portions of Progress Energy Florida, Inc.'s Prehearing Statement filed in this docket (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. 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.

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4. The Company is requesting confidential classification of this information because it contains proprietary and confidential contractual information related to the EPC Agreement, including the Company and the Consortium's analysis of schedule shift scenarios for the LNP. The EPC Agreement contains non-disclosure provisions that limit the use and forbid the dissemination of this information. Publication of this information would provide PEF's competitors and third-parties with whom PEF desires to contract with valuable insight into the long-term plans for the LNP. The disclosure of this information would impair the Company's ability to contract on favorable terms, or at all, for necessary goods and services to complete the LNP. The Company and its customers would be harmed if PEF were not able to contract for the goods and services necessary to complete the LNP on favorable terms. Also included in the information subject to the Request are the 2010 actual LNP Capital Costs and the 2011 actual/estimated LNP Capital Costs. This information is considered highly confidential and proprietary by the Company.

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 has the Company publicly disclosed the information 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 25<sup>th</sup> day of July, 2011.

*[Handwritten Signature]*

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

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 25<sup>th</sup> day  
of July, 2011 by John Elnitsky. He is personally known to me, or has produced his  
\_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

*Joanne A. Godsey-Baur*

(Signature)  
Joanne A Godsey-Baur  
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF FL.

August 08, 2011  
(Commission Expiration Date)

DD 703482  
(Serial Number, If Any)

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