

Dorothy Menasco

From: Costello, Jeanne [JCostello@CarltonFields.com]
Sent: Friday, May 02, 2008 3:16 PM
To: Filings@psc.state.fl.us
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Subject: E-filing Docket 080148
Attachments: PEF Notice of Service of Affidavit in Support of PEF's Fourth Req Conf Classification.pdf



PEF Notice of
Service of Affid...

Docket 080148: In re Petition for Determination of Need for Levy Units
1 and 2 Nuclear Power Plants

Attached for filing and e-service is Progress Energy Florida, Inc.'s Notice of Service of Affidavit in Support of Progress Energy Florida's Fourth Request for Confidential Classification.

On behalf of Progress Energy Florida, Inc.
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Determination of)
Need for Levy Units 1 and 2 Nuclear)
Power Plants.)
_____)


Docket No: 080148-EI
Submitted for Filing: May 2, 2008

**NOTICE OF FILING AFFIDAVIT IN SUPPORT OF
PEF'S FOURTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida, Inc. hereby gives notice of filing the affidavit of Jeff Lyash in support of its Fourth Request for Confidential Classification.


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 2nd day of May, 2008.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need
for Levy Units 1 and 2 nuclear power plants,
by Progress Energy Florida, Inc.

Docket No. 080148-EI

Submitted for Filing: April 30, 2008

**AFFIDAVIT OF JEFF LYASH IN SUPPORT OF
PROGRESS ENERGY FLORIDA'S FOURTH
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF CITRUS

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

1. My name is Jeff Lyash. 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. The facts attested to in my affidavit are based upon my personal knowledge.

2. I am President and Chief Executive Officer of Progress Energy Florida ("PEF" or the "Company"). In this role, I have overall responsibility for the operations of Progress Energy Florida.

3. As the President and Chief Executive Officer, I am responsible for, among other things, PEF's on-going negotiation with potential joint owners for the Levy Nuclear Project.

DOCUMENT NUMBER-DATE

03650 MAY-28

FPSC-COMMISSION CLERK

4. PEF is seeking confidential classification for portions of PEF's responses to Staff's Second Request for Production (Nos. 4-15), specifically Request 15. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Fourth Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Fourth Request for Confidential Classification as Exhibit C. PEF is requesting confidential classification of this information because public disclosure of the information in question would violate confidentiality agreements between PEF and potential joint owners and would impair PEF's ability to negotiate favorable terms with these potential joint owners.

5. PEF's response to Staff's Second Request for Production number 15, including its supplemental responses, contains confidential draft agreements and correspondence with potential joint owners regarding negotiations for joint ownership in PEF's proposed nuclear units. Disclosure of these documents would impair PEF's competitive business interests by inhibiting the Company's on-going negotiations with the potential joint owners. For example, if third parties had knowledge of the status of these on-going negotiations, the potential joint owners with whom PEF is negotiating may not be as willing to share essential information with PEF. This reduces PEF's leverage in negotiating with these potential joint owners and could affect the outcome of the negotiations to PEF's detriment.

6. Disclosure of this information would also violate the terms of the confidentiality agreements PEF has entered into with each of the potential joint owners. Specifically, the confidentiality agreements require PEF and the joint owners to maintain as confidential not only the terms of the agreement, but also all communication between PEF and the joint owners

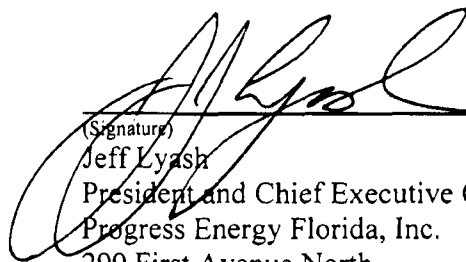
regarding the negotiations. Therefore, this highly sensitive, confidential information must not be made publicly available.

7. 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.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 30th day of April, 2008.


(Signature)
Jeff Lyash
President and Chief Executive Officer
Progress Energy Florida, Inc.
299 First Avenue North
St. Petersburg, Florida 33701

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 30TH day of April, 2008 by Jeff Lyash. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

Helen M. Kyriakou
(Signature)

HELEN M KYRIAKOU
(Printed Name)

NOTARY PUBLIC, STATE OF FLORIDA

10-24-09
(Commission Expiration Date)



DD455582
(Serial Number, If Any)

DOCUMENT NUMBER - DATE
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