

**Dorothy Menasco**

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**From:** Costello, Jeanne [jcostello@carltonfields.com]  
**Sent:** Tuesday, March 03, 2009 2:19 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Lisa Bennett; Jennifer Brubaker; Charles Rehwinkel; bryan\_anderson@fpl.com; jessica.cano@fpl.com; jmcwhirter@mac-law.com; jbrew@bbrslaw.com; ataylor@bbrslaw.com; Michael Twomey; KSTorain@potashcorp.com; saporito2@gmail.com; alex.glenn@pgnmail.com; john.burnett@pgnmail.com; paul.lewisjr@pgnmail.com; Stright, Lisa; Tibbetts, Arlene; Walls, J. Michael; Triplett, Dianne  
**Subject:** Docket 090009  
**Attachments:** PEF's Notice of Filing Verified Affidavits.pdf



PEF's Notice of Filing Verifie...

<<PEF's Notice of Filing Verified Affidavits.pdf>> Attached for filing and e-service is Progress Energy Florida, Inc.'s Notice of Filing Verified Affidavits in Support of Progress Energy Florida, Inc.'s Request for Confidential Classification (9 pages).

Jeanne Costello on behalf of Dianne M. Triplett Legal Administrative Assistant Carlton Fields, P.A.  
4221 W. Boy Scout Boulevard, Suite 1000  
Tampa, Florida 33607-5780  
Direct: 813.229.4917  
Fax: 813.229.4133  
jcostello@carltonfields.com  
www.carltonfields.com

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01734-09    03/03/09  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Cost Recovery Clause

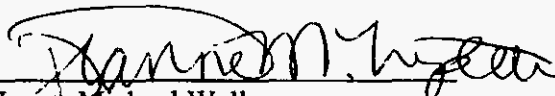
Docket No. 090009-EI  
Submitted for Filing: March 3, 2009

**NOTICE OF FILING VERIFIED AFFIDAVITS IN SUPPORT OF PROGRESS ENERGY  
FLORIDA, INC.'S REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. of filing the verified Affidavits of Garry D. Miller and Steven Huntington in support of Progress Energy Florida's Request for Confidential Classification Regarding Exhibits Filed with the Testimony of Will Garrett.

Respectfully submitted this day of March 3, 2009.

R. Alexander Glenn  
General Counsel  
PROGRESS ENERGY SERVICE  
COMPANY, LLC  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
Telephone: (727) 820-5587  
Facsimile: (727) 820-5519

  
James Michael Walls  
Florida Bar No. 0706242  
Dianne M. Triplett  
Florida Bar No. 0872431  
CARLTON FIELDS, P.A.  
Post Office Box 3239  
Tampa, FL 33601-3239  
Telephone: (813) 223-7000  
Facsimile: (813) 229-4133

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 3rd day of March, 2009.

  
Attorney

Mr. Paul Lewis, Jr.  
Progress Energy Florida, Inc.  
106 East College Avenue, Ste. 800  
Tallahassee, FL 32301-7740  
Phone: (850) 222-8738  
Facsimile: (850) 222-9768  
Email: [paul.lewisjr@pgnmail.com](mailto:paul.lewisjr@pgnmail.com)

Lisa Bennett  
Jennifer Brubaker  
Staff Attorney  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee 32399  
Phone: (850) 413-6218  
Facsimile: (850) 413-6184  
Email: [lbennett@psc.state.fl.us](mailto:lbennett@psc.state.fl.us)  
[jbrubake@psc.state.fl.us](mailto:jbrubake@psc.state.fl.us)

Charles Rehwinkle  
Associate Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400  
Phone: (850) 488-9330  
Email: [rehwinkle.charles@leg.state.fl.us](mailto:rehwinkle.charles@leg.state.fl.us)

Bryan S. Anderson  
Jessica Cano  
Florida Power & Light  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
Phone: (561) 691-7101  
Facsimile: (561) 691-7135  
Email: [bryan.anderson@fpl.com](mailto:bryan.anderson@fpl.com)  
[jessica.cano@fpl.com](mailto:jessica.cano@fpl.com)

John W. McWhirter  
McWhirter Law Firm  
400 North Tampa Street, Ste. 2450  
Tampa, FL 33602  
Phone: (813) 224-0866  
Facsimile: (813) 221-1854  
Email: [jmcwhirter@mac-law.com](mailto:jmcwhirter@mac-law.com)

James W. Brew  
Brickfield Burchette Ritts & Stone, PC  
1025 Thomas Jefferson St NW  
8th FL West Tower  
Washington, DC 20007-5201  
Phone: (202) 342-0800  
Fax: (202) 342-0807  
Email: [jbrew@bbrslaw.com](mailto:jbrew@bbrslaw.com)

Michael B. Twomey  
AARP  
Post Office Box 5256  
Tallahassee, FL 32305  
Phone: (850) 421-9530  
Email: [Miketwomey@talstar.com](mailto:Miketwomey@talstar.com)

Karin S. Torain  
PCS Administration (USA), Inc.  
Suite 400  
Skokie Blvd.  
Northbrook, IL 60062  
Phone: (847) 849-4291  
Email: [KSTorain@potashcorp.com](mailto:KSTorain@potashcorp.com)

Thomas Saporito  
Saporito Energy Consultants  
Post Office Box 8413  
Jupiter, FL 33468-8413  
Phone: (561) 283-0613  
Email: [saporito3@gmail.com](mailto:saporito3@gmail.com)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Nuclear Cost Recovery Clause

Docket No. 090009-EI

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**AFFIDAVIT OF GARRY D. MILLER IN SUPPORT OF PROGRESS ENERGY FLORIDA'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION REGARDING PORTIONS OF THE  
EXHIBITS FILED WITH THE TESTIMONY OF WILL GARRETT**

STATE OF FLORIDA

COUNTY OF CITRUS

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

1. My name is Garry D. Miller. 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 Regarding Portions of the Exhibits filed with the Testimony of Will Garrett ("the Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. PEF is seeking confidential classification for portions of the exhibit filed with, and sponsored by, the testimony of Will Garrett, filed with the Public Service Commission ("PSC" or the "Commission") as Exhibit WG-1. An unredacted version of the exhibit at issue is contained in confidential Appendix A to PEF's Request and the confidential portions thereof are outlined in PEF's Justification Matrix attached to the Request as Appendix C. PEF is requesting confidential classification of portions of these exhibits because they contain confidential contractual information regarding the purchase of goods and services necessary to complete the

Levy Nuclear Project (“LNP” or the “Project”), the disclosure of which would compromise PEF’s competitive business interests.

3. Certain portions of this exhibit contain contractual descriptions, durations, quantities and pricing arrangements between PEF and providers of various equipment, services, and real property required for the LNP that would adversely impact PEF’s competitive business interests if disclosed to the public. The Company must be able to assure these vendors that sensitive business information, such as the pricing and quantity terms of their contracts, will be kept confidential. Indeed, most of the contracts at issue contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. Specifically, the information at issue relates to competitively negotiated contractual data, such as quantity and pricing of goods and services and other contractual terms including the duration of the agreements, the disclosure of which would impair the efforts of the Company to negotiate these contracts on favorable terms. If third parties were made aware of confidential contractual terms that the Company has with other parties, they may offer PEF less competitive contractual terms in future contractual negotiations. Without PEF’s measures to maintain the confidentiality of sensitive terms in contracts between PEF and these nuclear contractors, the Company’s efforts to obtain competitive contracts for the Project would be undermined.

4. As stated above, most of the contracts at issue contain confidentiality provisions; therefore, PEF is requesting confidential classification of this information to avoid public disclosure that would violate the confidentiality agreements between PEF and the other parties. PEF has kept confidential and has not publicly disclosed the proprietary contract terms and provisions at issue here. Absent such measures, PEF would run the risk that sensitive business information regarding what the Company is willing to pay for necessary equipment, goods, supplies and real property would be made available to the public and, as a result, other potential sellers of similar materials and services could change their position in their negotiations to the

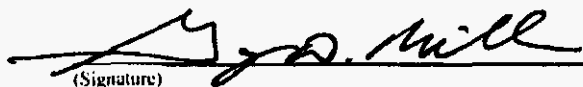
detriment of PEF. In addition, by the terms of these contracts, all parties thereto - including PEF - have agreed to protect proprietary and confidential information, which is defined to include the pricing provisions, from public disclosure.

5. Upon receipt of this confidential information, as with all confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided therein. Such procedures include, but are not limited to, restricting access to the documents and information to only those persons who require it to assist the Company. At no time since the developing or entering the contracts in question has PEF publicly disclosed the contracts' terms; PEF has treated and continues to treat the information contained in the subject contracts as confidential.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated this 2nd day of March, 2009.



(Signature)

Garry D. Miller

General Manager, Nuclear Plant Development and  
License Renewal

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 2nd day of March, 2009 by Garry D. Miller. He is personally known to me, or has produced his # 321 8799 driver's license, or his \_\_\_\_\_ as identification.



(Signature)

Betsy Whaley Cox

(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF \_\_\_\_\_

**Betsy Whaley Cox, Notary Public**

**Wake County, North Carolina**

(Commission Expiration Date)  
**My Commission Expires 12/21/2011**

(Serial Number, If Any)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Nuclear Cost Recovery Clause

Docket No. 090009-EI

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**AFFIDAVIT OF STEVEN HUNTINGTON IN SUPPORT OF PROGRESS ENERGY  
FLORIDA'S REQUEST FOR CONFIDENTIAL CLASSIFICATION REGARDING  
PORTIONS OF THE EXHIBITS FILED WITH THE TESTIMONY OF WILL GARRETT**

STATE OF FLORIDA

COUNTY OF CITRUS

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

1. My name is Steven Huntington. 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 Regarding Portions of the Exhibits filed with the Testimony of Will Garrett (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. PEF is seeking confidential classification for portions of the exhibits filed with, and sponsored by, the testimony of Will Garrett, filed with the Public Service Commission ("PSC" or the "Commission") as Exhibit WG-2. An unredacted version of the exhibit at issue is contained in confidential Appendix A to PEF's Request and the confidential portions thereof are outlined in PEF's Justification Matrix that is attached to PEF's Request as Appendix C. PEF is requesting confidential classification of the portions of this exhibit that contain confidential contractual information regarding the purchase of goods and services necessary to complete the CR3 Uprate, the disclosure of which would compromise PEF's competitive business interests.



3. Certain portions of this exhibit contain contractual quantities, durations, and pricing arrangements between PEF and providers of various equipment and services required for the CR3 Uprate that would adversely impact PEF's competitive business interests if disclosed to the public. The Company must be able to assure these vendors that sensitive business information, such as the pricing and quantity terms of their contracts, will be kept confidential. Indeed, most of the contracts at issue contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. Specifically, the information at issue relates to competitively negotiated contractual data, such as quantity and pricing of goods and services and other contractual terms such as the agreements' duration, the disclosure of which would impair the efforts of the Company to negotiate these contracts on favorable terms. If third parties were made aware of confidential contractual terms that the Company has with other parties, they may offer PEF less competitive contractual terms in future contractual negotiations. Without PEF's measures to maintain the confidentiality of sensitive terms in contracts between PEF and these nuclear contractors, the Company's efforts to obtain competitive contracts for the CR3 Uprate would be undermined.

4. As stated above, most of the contracts at issue contain confidentiality provisions; therefore, PEF is requesting confidential classification of this information to avoid public disclosure that would violate the confidentiality agreements between PEF and the other parties. PEF has kept confidential and has not publicly disclosed the proprietary contract terms and provisions at issue here. Absent such measures, PEF would run the risk that sensitive business information regarding what the Company is willing to pay for necessary equipment, goods and supplies would be made available to the public and, as a result, other potential sellers of similar materials and services could change their position in their negotiations to the detriment of PEF. In addition, by the terms of these contracts, all parties thereto - including PEF - have agreed to

protect proprietary and confidential information, which is defined to include the pricing provisions, from public disclosure.

5. Upon receipt of this confidential information, as with all confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided therein. Such procedures include, but are not limited to, restricting access to the documents and information to only those persons who require it to assist the Company. At no time since developing or entering the contracts in question has PEF publicly disclosed the contracts' terms; PEF has treated and continues to treat the information contained in the subject contracts as confidential.

6. This concludes my affidavit.

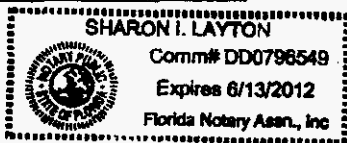
Further affiant sayeth not.

Dated this 21<sup>st</sup> day of February, 2009.




(Signature)  
Steven Huntington  
General Manager, Nuclear Project Manager  
Nuclear Projects and Construction  
Crystal River Unit 3  
Crystal River Energy Complex Site Administration 2C  
15760 West Power Line Street  
Crystal River, Florida 34428

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 21<sup>st</sup> day of February, 2009 by Steven Huntington. He is personally known to me, or has produced his driver's license, or his \_\_\_\_\_ as identification.



(AFFIX NOTARIAL SEAL)



(Signature)

Sharon I. Layton

(Printed Name)

NOTARY PUBLIC, STATE OF FL

02/21/09

(Commission Expiration Date)

(Serial Number, If Any)