

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

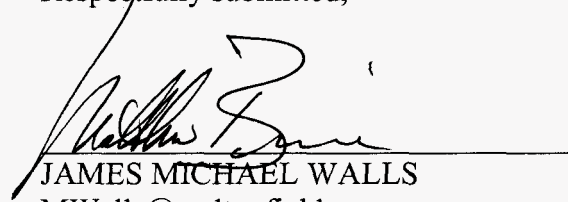
IN RE: NUCLEAR POWER PLANT COST  
RECOVERY CLAUSE

Docket No. 090009-EI  
Submitted for Filing: May 22, 2009

**NOTICE OF FILING AFFIDAVIT IN SUPPORT OF PROGRESS ENERGY  
FLORIDA'S THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. of filing the unverified Affidavit of RAYMOND PHILLIPS in support of Progress Energy Florida's Third Request for Confidential Classification.

Respectfully submitted,



JAMES MICHAEL WALLS  
MWalls@carltonfields.com  
Florida Bar No. 0706242  
DIANNE M. TRIPLETT  
DTriplett@carltonfields.com  
Florida Bar No. 0872431  
MATTHEW BERNIER  
MBernier@carltonfields.com  
Florida Bar No. 0059886  
Carlton Fields  
4221 West Boy Scout Blvd.  
P.O. Box 3239  
Tampa, FL 33607  
(813) 223-7000/(813) 229-4133 (fax)

R. ALEXANDER GLENN  
Alex.Glenn@pgnmail.com  
JOHN T. BURNETT  
John.Burnett@pgnmail.com  
Progress Energy Service Company, LLC  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
(727) 820-5184/(727) 820-5249 (Fax)  
Attorneys for  
PROGRESS ENERGY FLORIDA, INC.

PAUL LEWIS JR.  
Paul.Lewisjr@pgnmail.com  
Progress Energy Service Company, LLC  
106.E. College Avenue, Suite 800  
Tallahassee, FL 32301  
(850) 222-8738/(850) 222-9768 (fax)

RICHARD MELSON  
Rick@rmelsonlaw.com  
Florida Bar No. 0201243  
705 Piedmont Drive  
Tallahassee, FL 32312  
(850) 894-1351

CUM  
COR /  
COL /  
CPC  
ROP  
SIC  
STA  
ADM  
CLK

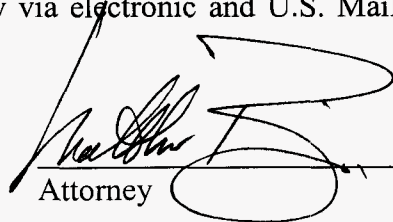
DOCUMENT NUMBER-DATE

05152 MAY 22 09

FPSC-COMMISSION CLERK

**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 22<sup>nd</sup> day of May, 2009.

  
Attorney

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)

KEINO YOUNG  
LISA BENNETT  
JENNIFER BRUBAKER  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399  
Phone: (850) 413-6218  
Facsimile: (850) 413-6184  
Email: [KYoung@psc.state.fl.us](mailto:KYoung@psc.state.fl.us)  
[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  
8th Floor, West Tower  
1025 Thomas Jefferson St NW  
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.  
Skokie Blvd., Suite 400  
Northbrook, IL 60062  
Phone: (847) 849-4291  
Email: [KSTorain@potashcorp.com](mailto:KSTorain@potashcorp.com)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

---

In re: Nuclear Cost Recovery Clause

Docket No: 090009-EI

Submitted for Filing: May 22, 2008

---

**UNVERIFIED AFFIDAVIT OF RAYMOND PHILLIPS IN SUPPORT OF PROGRESS ENERGY FLORIDA'S THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

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

1. My name is Raymond Phillips. 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 an Audit Manager for Progress Energy (PGN). This department manages internal audits conducted by the Progress Energy on various projects. Within the PGN internal audit department, I am the Audit Manager primarily responsible for audits of Progress Energy Florida. As the Florida Audit Manager, I am responsible for the completion of internal audits scheduled for Company projects. I also have knowledge as to the Company's internal auditing controls and how PGN carries out the process of conducting internal audits.

3. PEF is seeking confidential classification for portions of responsive documents to OPC's First Request for Production of Documents, OPC's First Set of Interrogatories, and Staff's Second Request for Production of Documents. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Third Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Third Request for Confidential Classification as Exhibit C. PEF is requesting confidential classification of these documents because they include internal audit reports and controls, confidential and proprietary contractual information, and other information related to the Company's competitive business interests, the disclosure of which would compromise PEF's competitive business interests.

4. Specifically, portions of these responsive documents contain of internal audit information reports and workpapers that resulted from the internal audit of the Company's various projects. PEF is requesting confidential classification of these reports and workpapers because public disclosure of the documents and information in question would compromise PEF's ability to effectively audit the Company's major projects. If the Company were to know that its internal auditing controls and process were subject to public disclosure, it would compromise the level of cooperation needed with auditors to efficiently conduct audits. In addition, such information and documents are specifically defined by Section 366.093(3)(b) as proprietary confidential business information that is entitled to confidential status.

5. 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.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the \_\_\_\_\_ day of May, 2009.

\_\_\_\_\_  
(Signature)

Raymond Phillips  
Progress Energy Services Company, LLC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this \_\_\_\_ day of May, 2009 by Raymond Phillips. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

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

(AFFIX NOTARIAL SEAL)

\_\_\_\_\_  
(Commission Expiration Date)

\_\_\_\_\_  
(Serial Number, If Any)