

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 Affidavit of GARRY MILLER in support of Progress Energy Florida's Third Request for Confidential Classification.

Respectfully submitted,



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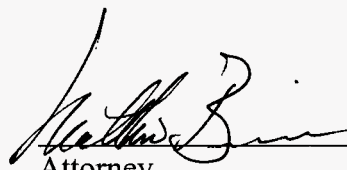
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CERTIFICATE OF SERVICE

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 22nd day of May, 2009.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

Docket No: 090009-EI
Submitted for Filing: May 22, 2008

**AFFIDAVIT OF GARRY MILLER IN SUPPORT OF PROGRESS ENERGY
FLORIDA'S THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF Wake

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

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

2. I am the General Manager, Nuclear Plant Development at Progress Energy Carolina. As such, I am responsible for new nuclear plant development in both the Carolinas and Florida, including the siting, licensing, engineering, construction, an overall management of PEF's proposed Levy Nuclear Power Plants, the Levy Nuclear Project ("LNP"). Specifically, my responsibilities include, but are not limited to, scheduling, contracts, commercial matters, training, document control, records management, and project management. All major contracts

approved to date on the LNP, and for Nuclear Plant Development, have been under my management and responsibility.

3. PEF is seeking confidential classification for portions of my direct testimony provided in this docket. Specifically, the Company is seeking confidential classification of the portion of the testimony pertaining to ongoing discussions with potential joint-owners of the LNP. Public disclosure of this testimony could have an adverse effect on these on-going discussions, and in turn, on PEF's competitive business interests.

4. PEF is also 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.

5. Specifically, portions of these responsive documents contain confidential contractual data, including pricing agreements and other confidential contractual terms. Disclosure of the terms of these agreements would impair PEF's competitive business interests, and would further be a violation of the PEF's confidentiality agreements. Disclosure of this information would impair PEF's competitive business interests by providing third parties with information regarding contractual terms with which PEF is willing to agree, thereby giving third


parties a competitive advantage when negotiating similar contracts with PEF. For example, if third party contractors were to know the amount that PEF is willing to pay for certain work, they may raise their bids to such an amount, irrespective of the fact that they may be able to perform the work for a lesser amount, thus making it more expensive for PEF to contract for necessary goods and services.

6. 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.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the 22 day of May, 2009.


(Signature)
Garry Miller
General Manager, Nuclear Plant Development
Progress Energy
100 E. Davie Street TPP 15
Raleigh, NC 27601

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 22 day of May, 2009 by Garry Miller. He is personally known to me, or has produced his

_____ driver's license, or his _____ as identification.

Betsy Whaley Cox
(Signature)

Betsy Whaley Cox
(Printed Name)

NOTARY PUBLIC, STATE OF NC

12/21/2011
(Commission Expiration Date)

N/A
(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

**Betsy Whaley Cox, Notary Public
Wake County, North Carolina
My Commission Expires 12/21/2011**