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Ruth Nettles

From: Costello, Jeanne [jcostello@carltonfields.com]
Sent: Friday, June 05, 2009 10:38 AM
To: Filings@psc.state.fl.us
Cc: Bryan.Anderson@fpl.com; Lisa Bennett; jbrew@bbrslaw.com; Jennifer Brubaker; John.burnett@pgnmail.com; jessica.cano@fpl.com; alex.glenn@pgnmail.com; Ljacobs50@comcast.net; vkaufman@kagmlaw.com; paul.lewisjr@pgnmail.com; jmcwhirter@mac-law.com; RMiller@pcsphosphate.com; jmoyle@kagmlaw.com; Charles Rehwinkel; ataylor@bbrslaw.com; KSTorain@potashcorp.com; Keino Young; Walls, J. Michael; Triplett, Dianne; Bernier, Matthew R.
Subject: Filing Docket 090009
Attachments: Docket 090009 Notice Filing Verified Affidavits.pdf



Docket 090009
Notice Filing Ve..

<<Docket 090009 Notice Filing Verified Affidavits.pdf>> Docket 090009 In re:
Nuclear Power Plant Cost Recovery Clause

1. Person responsible for this filing:

Jeanne Costello on behalf of Dianne Triplett Carlton Fields, P.A.
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2. Document is being filed on behalf of Progress Energy Florida, Inc.

3. Document being filed: Notice of Filing Verified Affidavits in Support of Progress Energy Florida's Third Request for Confidential Classification

4. This document contains nine (9) pages.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

Docket No. 090009-EI
Submitted for Filing: June 5, 2009


**NOTICE OF FILING VERIFIED AFFIDAVITS 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 Verified Affidavits of Raymond Phillips and Gary Furman in support of Progress Energy Florida's Third Request for Confidential Classification.

Respectfully submitted,

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Attorneys for
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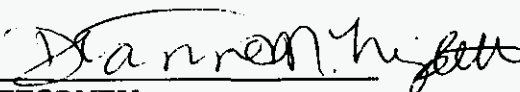
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CERTIFICATE OF SERVICE

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 5TH day of June, 2009.


ATTORNEY

Docket 090009

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

STATE OF FLORIDA

COUNTY OF Pinellas

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 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.

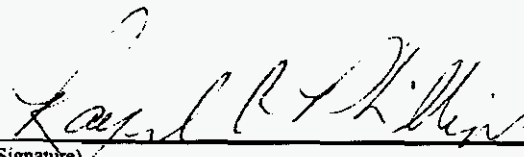
5. Upon receipt of this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the documents and information provided, including restricting access to those persons who need the information to assist the Company, 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 26 day of May, 2009.



(Signature)
Raymond Phillips
Progress Energy Services Company, LLC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 26th day of May, 2009 by Raymond Phillips. He is personally known to me, or has produced his Florida Driver's license driver's license, or his _____ as identification.



(Signature)

(AFFIX NOTARIAL SEAL)


(Printed Name) Eileen M. Clark
Commission # DD593488
NOTARY PUBLIC Expires September 10, 2010
OF FLORIDA Banded Tray Form Notary Seal No. 000-000770

(Commission Expiration Date)

(Serial Number, If Any)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

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

**AFFIDAVIT OF GARY FURMAN IN SUPPORT OF PROGRESS ENERGY FLORIDA'S
THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF Seminole

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

1. My name is Gary Furman. 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 Manager of Major Projects in the Generation and Transmission Construction Department. As such, I am leading a cross-functional, multi-disciplinary team in the development and execution of the transmission line projects associated with the Levy Nuclear Plant ("LNP").
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 confidential contractual data, including pricing agreements and other confidential contractual terms, as well as other competitive business information, such as proposed routes for planned transmission lines. 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 landowners along proposed routes were to know the amount that PEF is willing to pay for such land or even why the land was sought, they could increase the asking price above the level they may have been willing to sell for absent the information.


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.

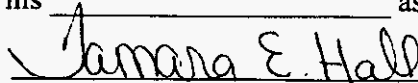
Further affiant sayeth not.

Dated the 21 day of May, 2009.



(Signature)
Gary Furman
Manager, Major Projects
Generation & Construction Department
Progress Energy Florida
3300 Exchange Place
Lake Mary, FL 32746

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 21 day of May, 2009 by Gary Furman. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.



(Signature)

Tamara E. Hall

(Printed Name)

NOTARY PUBLIC, STATE OF Florida

April 29, 2011

(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



(Serial Number, If Any)