

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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IN RE: NUCLEAR POWER PLANT COST  
RECOVERY CLAUSE

COMMISSION  
Docket # 09-004-EI  
Submitted for Filing: July 2, 2009

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

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

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 Seventh 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,

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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 the response to Staff's Second Set of Interrogatories, specifically number 28, as well as documents produced in response to Audit Control No. 08-248-2-1, i.e. the "NuStart Memo." A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Seventh Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Request as Exhibit C. PEF is requesting confidential classification of these documents because they contain 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 and violate contractual confidentiality provisions.

4. Specifically, portions of the response to Staff's interrogatory number 28 as well as the entire NuStart Memo 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 parties were to know the amount that PEF is willing to agree to pay as a contract cancellation fee, they will be in a stronger negotiating position with respect to similar agreements, thus making it more expensive for PEF to contract for necessary goods and services. Disclosure of this information could adversely impair the ability of the Company to successfully defray such costs by giving competitors and those PEF would hope to contract with valuable insight into the Company's plans.

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 persons who 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.

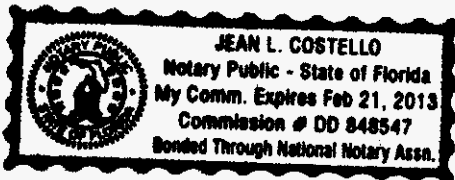
Further affiant sayeth not.

Dated the 30<sup>th</sup> day of June, 2009.

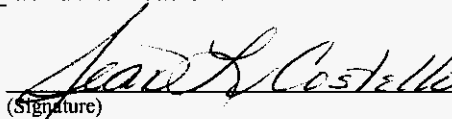


Garry Miller, General Manager  
Nuclear Plant Development  
Progress Energy  
100 E. Davie Street TPP 15  
Raleigh, NC 27601

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 30<sup>th</sup> day of June, 2009 by Garry Miller. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.



(SEAL)



(Signature)

JEAN L. Costello

(Printed Name)

NOTARY PUBLIC, STATE OF FL

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(Commission Expiration Date)