

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST  
RECOVERY CLAUSE

Docket No. 090009-EI  
Submitted for Filing: July 14, 2009

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

STATE OF NC  
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 Eighth 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.

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GCL 1  
OPC \_\_\_\_\_  
RCP \_\_\_\_\_  
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SGA \_\_\_\_\_  
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3. PEF is seeking confidential classification of portions of the response to OPC's Third Set of Interrogatories (Nos. 28-49), specifically request number 31, and certain documents produced in response to OPC's Fourth Request for Production of Documents (Nos. 65-74), specifically numbers 67 and 73. A detailed description of the confidential information at issue is contained in confidential Attachment A to PEF's Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Request as Attachment C. PEF is requesting confidential classification of these documents because they 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, a portion of the response to OPC's interrogatory number 31 contains confidential competitive business information, including information concerning contractual data, the disclosure of which would impair PEF's efforts to contract for goods and services on favorable terms. Release of PEF's reasoning regarding entering these agreements (and the timing thereof) would impair PEF's competitive business interests, and would further be a violation of the PEF's confidentiality agreements, as the confidential information at issue contains information related to the EPC agreement for the LNP. 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 along with PEF's reasoning for doing so, thereby giving third parties a competitive advantage when negotiating similar contracts with PEF as well as providing PEF's competitors for such goods and services valuable insight into the Company's strategic planning.

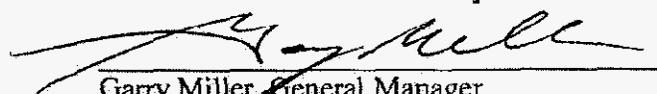
5. Furthermore, the documents being produced in response to OPC's Fourth Request for Production of Documents, number 67 and 73, also contain confidential information, the release of which would harm PEF's competitive business interests. Specifically, these documents contain workpapers and electronic files related to PEF's internal processes for determining all nuclear-related costs, as well as the costs themselves, as well as an evaluation of the business risks involved in obtaining a Combined Operating License (COL) and the Company's strategy to mitigate and avoid such risks. Public disclosure of this information would place PEF at a competitive disadvantage by disclosing to its competitors and steps PEF's internal business strategies and procedures that enable PEF to remain competitively viable.

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 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.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the 13<sup>th</sup> day of July, 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 13<sup>th</sup> day of July, 2009 by Garry Miller. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

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

Betsy Whaley Cox  
(Signature)

Betsy Whaley Cox  
(Printed Name)

(SEAL)

NOTARY PUBLIC, STATE OF NC  
12/21/2011  
(Commission Expiration Date)