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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Determination of )  
Need for Levy Units 1 and 2 Nuclear )  
Power Plants. )  
\_\_\_\_\_ )


Docket No: 080148 )  
COMMISSION )  
CLERK )  
Submitted for Filing: June 6, 2008

NOTICE OF FILING AFFIDAVIT

Progress Energy Florida, Inc. hereby gives notice that it has filed the following Affidavits in support of Progress Energy Florida's Tenth Request for Confidential Classification Regarding PEF's responses to Staff's Fifth Set of Interrogatories, Number 76 and revised 101:

- 1. Affidavit of Dale Oliver; and
- 2. Affidavit of Jeff Lyash.

Respectfully submitted,

  
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CMP \_\_\_\_\_  
CCM \_\_\_\_\_  
CCT \_\_\_\_\_  
ECS 1 \_\_\_\_\_  
GCA 1 \_\_\_\_\_  
GCS \_\_\_\_\_  
FCF \_\_\_\_\_  
FCR \_\_\_\_\_  
SAR \_\_\_\_\_  
SBO \_\_\_\_\_  
OTH \_\_\_\_\_

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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 on the attached service list via electronic and U.S. Mail this 6<sup>th</sup> day of June, 2008.

  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition for determination of need  
for Levy Units 1 and 2 nuclear power plants,  
by Progress Energy Florida, Inc.

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Docket No. 080148-EI

Submitted for Filing: May \_\_, 2008

**AFFIDAVIT OF DALE OLIVER IN SUPPORT OF PROGRESS ENERGY FLORIDA'S  
TENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION REGARDING STAFF'S  
FIFTH SET OF INTERROGATORIES, NO. 76**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is Dale Oliver. 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 Vice President of Transmission Operations & Planning. This department is responsible for oversight of PEF's transmission system, including current operation and planning.
3. As the Vice President of Transmission Operations & Planning, I am responsible for the provision of transmission service on PEF's system, the operation of the Company's transmission system, the planning for the expansion of the PEF transmission system to meet

PEF's retail and wholesale customer service requirements, and the integration of PEF's transmission system with the Florida transmission grid.

4. PEF is seeking confidential classification for portions of its responses to Staff's Fifth Set of Interrogatories, specifically the attachment to number 76. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Tenth Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Tenth Request for Confidential Classification as Exhibit C. PEF is requesting confidential classification of this portion of the response, because it calls for confidential transmission cost estimates, the disclosure of which would compromise PEF's competitive business interests.

5. The attachment to Interrogatory number 76 reflects the Company's confidential cost projections regarding planned transmission projects, that would adversely impact PEF's competitive business interests if disclosed to the public. For example, if third party real property owners were to know the planned locations of new transmission line corridors, they may raise the asking price of their property, thus making it more expensive for PEF to purchase necessary easements and property for those transmission corridors. Likewise, if third party contractors with whom PEF contracts to construct the transmission lines were to know PEF's specific transmission needs, they could increase the price of those 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.

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 30 day of May, 2008.

(Signature)  
Dale Oliver  
Vice President  
Transmission Operations & Planning  
299 First Avenue North  
St. Petersburg, Florida 33701

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 30 day of May, 2008 by Dale Oliver. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

(Signature)

(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF Florida

(Commission Expiration Date)

(Serial Number, If Any)



DOCUMENT NUMBER-DATC  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need  
for Levy Units 1 and 2 nuclear power plants,  
by Progress Energy Florida, Inc.

Docket No. 080148-EI

Submitted for Filing: June 6, 2008

**AFFIDAVIT OF JEFF LYASH IN SUPPORT OF  
PROGRESS ENERGY FLORIDA'S TENTH  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF CITRUS

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

1. My name is Jeff Lyash. 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 President and Chief Executive Officer of Progress Energy Florida ("PEF" or the "Company"). In this role, I have overall responsibility for the operations of Progress Energy Florida.

3. As the President and Chief Executive Officer, I am responsible for, among other things, PEF's on-going negotiation with potential joint owners for the Levy Nuclear Project.

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4. PEF is seeking confidential classification for portions of PEF's responses to Staff's Fifth Set of Interrogatories, specifically number 101 revised and subject to a Notice of Intent filed May 20, 2008. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Tenth Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Tenth Request for Confidential Classification as Exhibit C. PEF is requesting confidential classification of this information because public disclosure of the information in question would violate confidentiality agreements between PEF and potential joint owners and would impair PEF's ability to negotiate favorable terms with these potential joint owners.

5. PEF's response to this interrogatory contains information regarding confidential draft agreements and correspondence with potential joint owners regarding negotiations for joint ownership in PEF's proposed nuclear units. Disclosure of this information would impair PEF's competitive business interests by inhibiting the Company's on-going negotiations with the potential joint owners. For example, if third parties had knowledge of the status of these on-going negotiations, the potential joint owners with whom PEF is negotiating may not be as willing to share essential information with PEF. This reduces PEF's leverage in negotiating with these potential joint owners and could affect the outcome of the negotiations to PEF's detriment.

6. Disclosure of this information would also violate the terms of the confidentiality agreements PEF has entered into with each of the potential joint owners. Specifically, the confidentiality agreements require PEF and the joint owners to maintain as confidential not only the terms of the agreement, but also all communication between PEF and the joint owners regarding the negotiations. Therefore, this highly sensitive, confidential information must not be made publicly available.

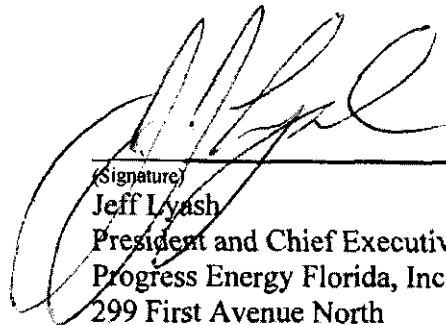


7. Upon receipt of this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the documents and information provided, including restricting access to those persons who need the information to assist the Company,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

8. This concludes my affidavit.

Further affiant sayeth not.

Dated the 5<sup>TH</sup> day of <sup>JUNE</sup>~~May~~, 2008.



(Signature)  
Jeff Lyash  
President and Chief Executive Officer  
Progress Energy Florida, Inc.  
299 First Avenue North  
St. Petersburg, Florida 33701

~~May~~ THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 5<sup>TH</sup> day of ~~May~~, 2008 by Jeff Lyash. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

Helen M Kyriakou  
(Signature)

HELEN M KYRIAKOU  
(Printed Name)

NOTARY PUBLIC, STATE OF FL

10-24-09  
(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



**Helen M. Kyriakou**  
Commission # DD455582  
Expires October 24, 2009  
Bonded Troy Fair - Insurance, Inc. 800-365-7019

DD455582  
(Serial Number, If Any)

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