

7/17/2008 1:56 PM

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**Ruth Nettles**

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**From:** Costello, Jeanne [jcostello@carltonfields.com]  
**Sent:** Thursday, July 17, 2008 1:57 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Lisa Bennett; Jennifer Brubaker; Keino Young; burgess.steve@leg.state.fl.us; wade\_litchfield@fpl.com; jmcwhirter@mac-law.com; jbrew@bbrslaw.com; Michael Twomey; KSTorain@potashcorp.com; paul.lewisjr@pgnmail.com; john.burnett@pgnmail.com; Tibbetts, Arlene; Stright, Lisa; Walls, J. Michael; Triplett, Dianne  
**Subject:** Electronic Filing Docket 080009  
**Attachments:** Docket 080009 PEF Notice of Filing Verified Affidavits.pdf



Docket 080009  
EF Notice of Fi.

<<Docket 080009 PEF Notice of Filing Verified Affidavits.pdf>> Electronic Filing and e-service Docket 080009

1. Progress Energy Florida, Inc.'s Notice of Filing Affidavit in Support of Requests for Confidential Classification [8 pages]

Person responsible for this electronic filing:

Jeanne Costello on behalf of Dianne M. Triplett Carlton Fields  
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DOCUMENT NUMBER-DATE  
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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Power Plant Cost  
Recovery Clause

Docket No. 080009-EI

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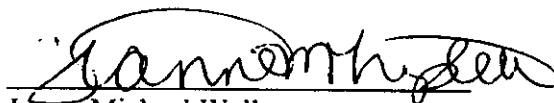
Submitted for Filing: July 17, 2008

**PROGRESS ENERGY FLORIDA, INC'S  
NOTICE OF FILING AFFIDAVIT IN SUPPORT OF REQUESTS FOR  
CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida, Inc. hereby gives notice of filing the following:

1. Verified affidavit of Daniel L. Roderick in support of its Third Request for Confidential Classification; and
2. Verified affidavit of Daniel L. Roderick in support of its Fourth Request for Confidential Classification.

Respectfully submitted,

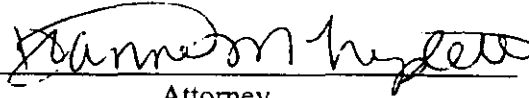


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Florida Bar No. 0872431  
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General Counsel – Florida  
John T. Burnett  
Associate General Counsel  
PROGRESS ENERGY SERVICE  
COMPANY, LLC  
Post Office Box 14042  
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Telephone: (727) 820-5587  
Facsimile: (727) 820-5519

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above has been furnished electronically and by regular U.S. mail to the following this 13<sup>th</sup> day of July, 2008.



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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Petition by Progress Energy Florida, Inc.  
to establish discovery docket regarding actual and  
projected costs for the Levy Nuclear Project

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Docket No. 080149

Submitted for Filing: July \_\_\_\_, 2008

**AFFIDAVIT OF DANIEL L. RODERICK IN SUPPORT OF  
PROGRESS ENERGY FLORIDA'S THIRD  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF CITRUS

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

1. My name is Daniel L. Roderick. 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 Nuclear Projects and Construction for PEF's nuclear plant. This department manages nuclear generation growth strategies.

3. As the Vice President of Nuclear Projects and Construction, I am responsible for all aspects of major projects and construction of nuclear generating assets in Florida, including the administration of PEF's contracts for the Levy Nuclear ("Levy") project and ongoing project analysis.

4. PEF is seeking confidential classification for portions of Progress Energy Florida's Responses to Staff's First Request for Production of Documents (Nos. 1-7), specifically Staff Request No. 4. 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 Appendix C. PEF is requesting confidential classification of this portion of the response, because it calls for for the confidential business analysis regarding costs and budgets for the ongoing Levy Nuclear Project.

5. PEF is requesting confidential classification of this information because public disclosure of the information in question would allow other parties to discover how the Company analyzes whether to proceed with the Levy Nuclear Project, including detailed analysis of risk options, scheduling, and cost, and would thus impair PEF's ability to contract for such goods and services on competitive and favorable terms. If this information was disclosed to the public, it could adversely impact PEF's competitive interests. This document reflects the Company's internal strategies for evaluating projects and meeting deadlines. If such information was disclosed to PEF's competitors and/or other potential suppliers, PEF's efforts to obtain competitive nuclear equipment and service options that provide economic value to both PEF and its ratepayers could be compromised by PEF's competitors and/or suppliers changing their offers, consumption, or purchasing behavior within the relevant markets. For example, if one of PEF's suppliers was to know that PEF considered a particular good or service to be of utmost importance to the project, that supplier could artificially increase the asking price for that good or service, to the detriment of the ratepayers.

6. Upon receipt of all this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms 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 and contracts. At no time since negotiating and receiving the contracts and doing the project analyses in question has the Company publicly disclosed that information or contracts. The Company has treated and continues to treat the information at issue as confidential.

7. This concludes my affidavit.

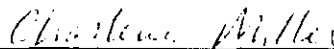
Further affiant sayeth not.

Dated the 14<sup>th</sup> day of July, 2008.

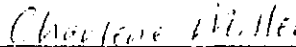


(Signature)  
Daniel L. Roderick  
Vice President  
Nuclear Projects and Construction  
Crystal River Unit 3  
Crystal River Energy Complex  
Site Administration 2C  
15760 West Power Line Street  
Crystal River, Florida 34428

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 14<sup>th</sup> day of July, 2008 by Daniel L. Roderick. He is personally known to me, or has produced his driver's license or his \_\_\_\_\_ as identification.

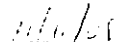


(Signature)

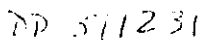


(Printed Name)

NOTARY PUBLIC, STATE OF Florida, County of Citrus

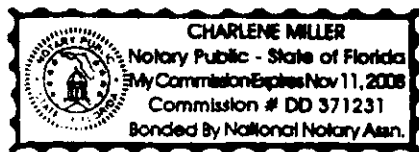


(Commission Expiration Date)



(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Power Plant Cost  
Recovery Clause

Docket No. 080009-E1

Submitted for Filing: July \_\_\_\_, 2008

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**AFFIDAVIT OF DANIEL L. RODERICK IN SUPPORT OF  
PROGRESS ENERGY FLORIDA'S FOURTH  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF CITRUS

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

1. My name is Daniel L. Roderick. 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 Nuclear Projects and Construction for PEF's nuclear plant. This department manages nuclear generation growth strategies.

3. As the Vice President of Nuclear Projects and Construction, I am responsible for all aspects of major projects and construction of nuclear generating assets in Florida, including the administration of PEF's contracts for the Crystal River 3 ("CR3") Uprate project and ongoing project analysis.

4. PEF is seeking confidential classification for portions of Progress Energy Florida's Supplemental Responses to OPC's Second Request for Production of Documents (Nos. 12-57), specifically OPC Request No. 54. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Fourth Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Fourth Request for Confidential Classification as Appendix C. PEF is requesting confidential classification of this portion of the response, because it calls for confidential information considered proprietary to third parties with whom PEF contracts.

5. Portion of the documents responsive to OPC Request No. 54 contain proprietary and confidential information received from PEF's third party vendors regarding the CR3 Uprate project. PEF is requesting confidential classification of its responses because public disclosure of the documents and information in question would impair PEF's competitive business interests. Specifically, if PEF's suppliers or contract vendors were made aware that PEF did not protect the proprietary, technical information of the parties with whom PEF contracts, they may adjust their behavior in the market place with respect to activity such as pricing and the acquisition and provision of goods, materials, and services. In addition, such third party contractors may choose not to provide such services to PEF at all.

6. PEF also has a contractual obligation to maintain the confidentiality of any material or information that the third party supplier of such information deems proprietary. The third party which provided this information to PEF considers this information to be proprietary; thus, pursuant to its contract with that third party, PEF must not publicly disclose this information.

6. Upon receipt of all this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the



terms 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 and contracts. At no time since negotiating and receiving the contracts and doing the project analyses in question has the Company publicly disclosed that information or contracts. 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 14<sup>th</sup> day of July, 2008



(Signature)  
Daniel L. Roderick  
Vice President  
Nuclear Projects and Construction  
Crystal River Unit 3  
Crystal River Energy Complex  
Site Administration 2C  
15760 West Power Line Street

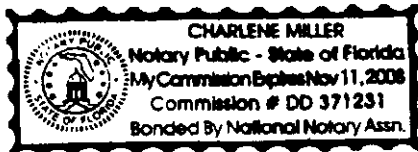
Crystal River, Florida 34428

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 14<sup>th</sup> day of July, 2008 by Daniel L. Roderick. He is personally known to me, or has <sup>produced</sup> his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

Charlene Miller  
(Signature)

Charlene Miller  
(Printed Name)

(AFFIX NOTARIAL SEAL)



NOTARY PUBLIC, STATE OF Florida, County of Citrus

11/11/08  
(Commission Expiration Date)

DD 371231  
(Serial Number, If Any)