

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST  
RECOVERY CLAUSE

Docket No. 100009-EP  
Submitted for Filing: APR 23, 2010

COMMISSION  
CLERK

10 APR 23 PM 1:22

RECEIVED-FPSC

**NOTICE OF FILING AFFIDAVIT IN SUPPORT OF  
PEF'S THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. ("PEF") of filing the affidavit of Will Garrett in support of Progress Energy Florida's Third Request for Confidential Classification as to PEF's responses to Citizens' Second Request for Production of Documents (Nos.44-53) and Second Set of Interrogatories (Nos. 8-33).

Respectfully submitted,



R. Alexander Glenn  
General Counsel  
John Burnett  
Associate General Counsel  
Dianne M. Triplett  
Associate General Counsel  
PROGRESS ENERGY SERVICE  
COMPANY, LLC  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
Telephone: (727) 820-5587  
Facsimile: (727) 820-5519

James Michael Walls  
Florida Bar No. 0706242  
Blaise N. Huhta  
Florida Bar No. 0027942  
Matthew R. Bernier  
Florida Bar No. 0059886  
CARLTON FIELDS, P.A.  
Post Office Box 3239  
Tampa, FL 33601-3239  
Telephone: (813) 223-7000  
Facsimile: (813) 229-4133

COM \_\_\_\_\_  
APA 1 \_\_\_\_\_  
ECR 4 \_\_\_\_\_  
GCL 1 \_\_\_\_\_  
RAD 1 \_\_\_\_\_  
SSC \_\_\_\_\_  
ADM \_\_\_\_\_  
OPC \_\_\_\_\_  
CLK \_\_\_\_\_

16728967.1

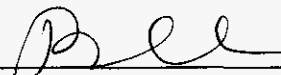
DOCUMENT NUMBER-DATE

3268 APR 23 2010

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 below via electronic and U.S. Mail this 23<sup>rd</sup> day of April, 2010.

  
\_\_\_\_\_  
Attorney

Anna Williams  
Lisa Bennett  
Keino Young  
Staff Attorney  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee 32399  
Phone: (850) 413-6218  
Facsimile: (850) 413-6184  
Email: [anwillia@psc.state.fl.us](mailto:anwillia@psc.state.fl.us)  
[lbennett@psc.state.fl.us](mailto:lbennett@psc.state.fl.us)  
[kyoung@psc.state.fl.us](mailto:kyoung@psc.state.fl.us)

Charles Rehwinkel  
Associate Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400  
Phone: (850) 488-9330  
Email: [rehwinkel.charles@leg.state.fl.us](mailto:rehwinkel.charles@leg.state.fl.us)

Vicki G. Kaufman  
Jon C. Moyle, Jr.  
Keefe Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301  
Phone: (850) 681-3828  
Fax: (850) 681-8788  
Email: [vkaufman@kagmlaw.com](mailto:vkaufman@kagmlaw.com)  
[jmoyle@kagmlaw.com](mailto:jmoyle@kagmlaw.com)

Bryan S. Anderson  
Jessica Cano  
Florida Power & Light  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
Phone: (561) 691-7101  
Facsimile: (561) 691-7135  
Email: [bryan.anderson@fpl.com](mailto:bryan.anderson@fpl.com)  
[jessica.cano@fpl.com](mailto:jessica.cano@fpl.com)

John W. McWhirter  
McWhirter Law Firm  
400 North Tampa Street, Ste. 2450  
Tampa, FL 33602  
Phone: (813) 224-0866  
Facsimile: (813) 221-1854  
Email: [jmcwhirter@mac-law.com](mailto:jmcwhirter@mac-law.com)

James W. Brew  
Brickfield Burchette Ritts & Stone, PC  
1025 Thomas Jefferson St NW  
8th FL West Tower  
Washington, DC 20007-5201  
Phone: (202) 342-0800  
Fax: (202) 342-0807  
Email: [jbrew@bbrslaw.com](mailto:jbrew@bbrslaw.com)

Mr. Paul Lewis, Jr.  
Progress Energy Florida, Inc.  
106 East College Avenue, Ste. 800  
Tallahassee, FL 32301-7740  
Phone: (850) 222-8738  
Facsimile: (850) 222-9768  
Email: [paul.lewisjr@pgnmail.com](mailto:paul.lewisjr@pgnmail.com)

Randy B. Miller  
White Springs Agricultural Chemicals, Inc.  
PO Box 300  
White Springs, FL 32096  
Email: [RMiller@pscphosphate.com](mailto:RMiller@pscphosphate.com)

Captain Shayla L. McNeill  
Air Force Legal Operations Agency (AFLOA)  
Utility Litigation Field Support Center (ULFSC)  
139 Barnes Drive, Ste. 1  
Tyndall AFB, FL 32403-5319  
Phone: (850) 283-6663  
Facsimile: (850) 283-6219  
Email: [shayla.mcneill@tyndall.af.mil](mailto:shayla.mcneill@tyndall.af.mil)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

---

In re: Nuclear Cost Recovery Clause

Docket No: 100009-EI  
Submitted for Filing: April 23, 2010

---

**AFFIDAVIT OF WILL GARRETT 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 Will Garrett, who being first duly sworn, on oath deposes and says that:

1. My name is Will Garrett. 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 Third Request for Confidential Classification. The facts attested to in my affidavit are based upon my personal knowledge.

2. As legal entity Controller for Progress Energy Florida ("PEF" or "the Company"), I am responsible for all accounting matters that impact the reported financial results of this Progress Energy entity. I have direct management and oversight of the employees involved in PEF Regulatory Accounting, Property Plant and Materials Accounting, and PEF Financial Reporting and General Accounting.

3. PEF is seeking confidential classification for portions of responsive documents to Citizens' Second Request for Production of Documents, and Citizens' Second Set of

Interrogatories. A detailed description of the confidential information at issue is contained in confidential Attachment 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 Attachment 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 of 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. Additionally, the requests also seek information which includes bids, other contractual data, and trade secrets of the Company and its contract partners, the disclosure of which would impair the Company's ability to contract on favorable terms in the future. In many instances, the disclosure of this information would also violate contractual confidentiality provisions.

6. The public disclosure of these documents would allow other parties to discover how the Company analyzes risk options, scheduling, and cost, and would impair PEF's ability to

contract for such goods and services on competitive and favorable terms. Portions of these documents reflect 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 the Company and its ratepayers could be compromised by the Company's competitors and/or suppliers potentially changing their offers, consumption, or purchasing behavior within the relevant markets.

7. PEF must be able to assure vendors that sensitive business information, such as the terms of their contracts, will be kept confidential. Additionally, as discussed above, some of the contracts at issue contain confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. The information at issue relates to competitively negotiated contractual data, such as quantity and pricing of goods and services, and other contractual terms, the disclosure of which would impair the efforts of the Company to negotiate these contracts on favorable terms. If other third parties were made aware of confidential contractual terms that PEF has with other parties, they may offer less competitive contractual terms in future contractual negotiations.

8. 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.

7. This concludes my affidavit.

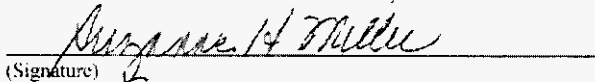
Further affiant sayeth not.

Dated the 22<sup>nd</sup> day of April, 2010.



(Signature)  
Will Garrett

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 22 day of April, 2010, by Will Garrett. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.



(Signature)

Suzanne H. Miller

(Printed Name)

NOTARY PUBLIC, STATE OF Florida

3/27/2013

(Commission Expiration Date)

DD 842069

(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

