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May 1, 2009

Ann Cole, Director
Office of the Commission Clerk
PSC Recording & Filing
2540 Shumard Oak Blvd
Tallahassee 32399

RECEIVED-FPSC
09 MAY - 1 AM 8:55
COMMISSION
CLERK

Re: In re: Nuclear Cost Recover Clause
Docket No. 090009

Dear Ms. Cole:

Enclosed for filing on behalf of Progress Energy Florida, Inc. are the following:

1. Progress Energy Florida, Inc.'s Petition for Approval of Nuclear Costs to be Recovered During the Period January-December 2010, Including Final True-Up for Prior Recovery Periods, Actual/Estimated True-Up for the Period Ending December 2009, and Projections for the Period Ending December 2010 (original and 7 copies);
2. Direct Testimony of Jon Franke in Support of Actual/Estimated and Projected Costs (original and 15 copies);
3. Direct Testimony of Gary Furman in Support of Actual/Estimated and Projected Costs on behalf of Progress Energy Florida (original and 15 copies);

COM _____
 ECR 2
 GCL 2
 OIC _____
 RCP 3
 SSC _____
 SGA _____
 AIM _____
 CLK _____

4. Redacted Direct Testimony of Garry Miller in Support of Actual/Estimated and Projected Costs on behalf of Progress Energy Florida (original and 15 copies);
5. Redacted Testimony of Thomas G. Foster in Support of Estimated/Actual, Projection and True-Up to Original Costs on behalf of Progress Energy Florida (original and 15 copies);

14698182.1

DOCUMENT NUMBER-DATE

04076 MAY-1 09

FPSC-COMMISSION CLERK

6. First Notice of Intent to Request Confidential Classification.

Sincerely,

A handwritten signature in black ink that reads "Dianne M. Triplett". The signature is written in a cursive style with a large, sweeping initial "D".

Dianne M. Triplett

Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost
Recovery Clause

Docket No. 090009-EI

Submitted for Filing: May 1, 2009

PROGRESS ENERGY FLORIDA, INC.'S PETITION FOR APPROVAL OF NUCLEAR COSTS TO BE RECOVERED DURING THE PERIOD JANUARY-DECEMBER 2010, INCLUDING FINAL TRUE-UP FOR PRIOR RECOVERY PERIODS, ACTUAL/ESTIMATED TRUE-UP FOR THE PERIOD ENDING DECEMBER 2009, AND PROJECTIONS FOR THE PERIOD ENDING DECEMBER 2010

Pursuant to Section 366.93(3), Florida Statutes, and Rule 25-6.0423, F.A.C., Progress Energy Florida ("PEF" or the "Company") respectfully petitions the Florida Public Service Commission ("PSC" or the "Commission") for the recovery of PEF's costs for the (1) Levy Units 1 and 2 advanced design nuclear power plants (the "Levy Nuclear Project" or "LNP"), and (2) construction of the Crystal River Unit 3 ("CR3") nuclear plant power uprate project ("CR3 Uprate"). Under Section 366.93 and Rule 25-6.0423, PEF is entitled to recover \$446,316,907 through the Capacity Cost Recovery Clause ("CCRC") during the period January through December 2010 for the LNP and CR3 Uprate, based on and supported by the testimony and exhibits of PEF's witnesses in this proceeding.

Upon the approval of this total amount for recovery under Section 366.93 and Rule 25-6.0423 in this proceeding, PEF proposes a bifurcated mechanism to collect this total amount that will (1) amortize the unrecovered balance for site selection and preconstruction costs for the LNP for 2009, which is over half the total amount, over a five year period, and (2) provide for the recovery of 2010 projected costs during 2010 subject to the existing true-up provisions of the rule. PEF proposes this bifurcated mechanism to recover the costs due PEF for the LNP and CR3 Uprate under the nuclear cost recovery statute and rule to reduce the near-term impact of these costs on customers under current economic conditions.

DOCUMENT NUMBER DATE

04076 MAY-1 8

FPSC-COMMISSION CLERK

Under PEF's proposal, the estimated residential rate impact is \$6.69/1000 kWh. If PEF's proposal is not accepted by the Commission in total and without exception, the estimated residential rate impact is \$12.63/1000 kWh. PEF's proposal to bifurcate the recovery of the total costs PEF is entitled to recover under the nuclear cost recovery statute and rule is explained in more detail below and in the testimony and exhibits of Mr. Foster. PEF's entitlement to the total amount of \$446,316,907 for the LNP and CR3 Uprate under the nuclear cost recovery statute and rule is also explained in more detail below and in the testimony and exhibits of PEF's witnesses in this proceeding.

I. PEF PROPOSAL TO BIFURCATE RECOVERY OF NUCLEAR COSTS DUE PEF PURSUANT TO SECTION 366.93 AND RULE 25-6.0423.

Upon approval by the Commission of the total cost amount requested for the LNP and CR3 Uprate during 2010 in this proceeding, PEF proposes a bifurcated mechanism to recover that total amount. PEF will agree to (1) amortize the unrecovered balance of site selection and preconstruction costs for the LNP for 2009 in the amount of \$298.7 million over a five (5) year period and collect a carrying charge on the unrecovered balance at the carrying charge rate as provided for in Section 366.93 and (2) recover all other preconstruction, carrying charges, and other costs, as defined under the statute and rule, incurred during 2010 subject to the true-up provisions of the nuclear cost recovery rule. The details on how this proposed mechanism will work are explained in the testimony and exhibits of Mr. Foster, which are incorporated herein by reference.

PEF's proposed bifurcated remedial mechanism for the recovery of the total site selection and preconstruction costs for LNP and CR3 Uprate nuclear costs allows PEF to recover all prudent and reasonable nuclear costs, including carrying charges on these costs consistent with the nuclear cost recovery statute and rule, while also providing rate relief to

customers during the current, on-going economic recession. PEF is entitled to recover its nuclear costs, as defined by statute and rule, for the LNP and CR3 Uprate. For 2010, that amount is \$446,316,907, as demonstrated by the testimony and exhibits of PEF's witnesses in this proceeding. Recovery of this amount from customers in 2010 is expected to result in residential customer rates of \$12.63 per 1000 kWh. PEF's proposal bifurcates that recovery by amortizing the unrecovered site selection and preconstruction costs for the LNP from the end of 2009 over five years. This will leave the 2009 ending under-recovery in the CWIP project, exclude them from rates at the beginning of 2010, and amortize them into the CCRC rates over a five year period. This is consistent with Section 366.93(1)(f) which provides that preconstruction costs shall be afforded deferred accounting treatment and shall accrue a carrying charge equal to the utility's allowance for funds during construction rate ("AFUDC") "until recovered in rates." Similarly, Rule 25-6.0423(3) provides that site selection and preconstruction costs shall be afforded deferred accounting treatment and shall, except for projected costs recovered on a projected basis in one annual cycle, accrue a carrying charge equal to the utility's AFUDC rate "until recovered in rates." PEF proposes to amortize over five years LNP site selection and preconstruction costs that have not been recovered in rates. Therefore, PEF's proposed carrying charges on the remaining balance of the unrecovered amount is consistent with the nuclear recovery statute and rule.

PEF's proposal also provides customers rate relief under the current, difficult economic conditions. Based on 2009 billing determinants, the expected rate impact to the residential customer without this proposed bifurcated recovery mechanism is \$12.63 per 1000 kWh beginning in January 2010. If PEF's alternative, bifurcated recovery mechanism is employed without alteration as PEF proposes, the result is an estimated residential rate impact of \$6.69 per 1000 kWh, which is a decrease of \$5.94 per 1000 kWh. If PEF's

proposal is not accepted, PEF is entitled to recover the full amount of \$12.63 per kWh in 2010.

II. RECOVERY OF NUCLEAR COSTS FOR LNP AND CR3 UPRATE IN 2010 PURSUANT TO NUCLEAR COST RECOVERY STATUTE AND RULE.

Pursuant to the nuclear cost recovery statute and rule, PEF is entitled to recover \$446,316,907 through the CCRC during the period January through December 2010. This total amount of nuclear costs reflects (a) the true-up of prior period costs for the LNP (b) the projected pre-construction, recoverable operation and maintenance (“O&M”), and carrying charges on the Deferred Tax Liability (“DTA”) costs and associated carrying charges for the construction of the LNP, (c) the projected carrying charges on construction costs for the construction of the LNP, and (d) the projected carrying charges on construction costs, recoverable O&M costs, and carrying charges on the DTA for the CR3 Uprate; and (2) a determination that all of PEF’s prior period LNP and CR3 Uprate costs are prudent and all of PEF’s estimated/actual 2009 costs and projected 2010 costs for the LNP and CR3 Uprate are reasonable. PEF supported the prudence of its prior period LNP and any CR3 Uprate costs not previously found to be prudent with its petition, testimony, exhibits, and Nuclear Filing Requirements (“NFRs”) filed with the Commission on March 2, 2009, which are hereby incorporated by reference. PEF further supports this petition with the direct testimony of Messrs. Garry Miller, Thomas G. Foster, Gary Furman, and John Franke, and the NFR schedules consistent with the Rule 25-6.0423, F.A.C filed herewith and incorporated by reference.

III. BACKGROUND

1. On February 7, 2007, this Commission issued Order No. PSC-07-0119-FOF-EI, granting PEF’s petition for determination of need for the expansion of the CR3 nuclear

power plant through the CR3 Uprate. The CR3 Uprate is expected to be completed in three phases and expected to increase CR3's power output by approximately 180 megawatts ("MWs") by the end of 2011. In 2007, PEF completed the first phase of the project, which added 12 MWs to CR3's output. On November 12, 2008, the Commission issued Order No. PSC-08-0749-FOF-EI and approved as prudent the costs PEF incurred on the CR3 Uprate in 2007, and approved as reasonable PEF's actual/estimated and projected 2008 and 2009 costs.

2. On March 1, 2009, PEF filed a petition in this docket seeking a determination that its 2008 CR3 Uprate costs are prudent. PEF expects to complete the second phase of the CR3 Uprate during its upcoming planned, extended outage later this year. This phase is expected to increase CR3's output by an additional 28 MWs. PEF expects to complete the third and final phase – the "Extended Power Uprate" or "EPU" – during the 2011 planned refueling outage. The EPU is expected to add approximately 140 MWs to CR3's output. PEF has incurred and will continue to incur construction costs and associated carrying charges with respect to the second and third phases of the CR3 Uprate in 2009 and 2010. PEF requests that the Commission find these CR3 Uprate costs reasonable, and allow recovery through the CCRC of the carrying costs associated with the construction costs, carrying costs on the deferred tax balance, and CCRC recoverable O&M expenditures as provided in Section 366.93, Florida Statutes, and consistent with the nuclear cost recovery rule, Rule 25-6.0423, F.A.C.

3. On March 11, 2008, PEF petitioned this Commission for an affirmative determination of need for Levy Units 1 and 2 Nuclear Power Plants and associated transmission facilities (the "LNP"), pursuant to Section 403.519(4), Florida Statutes, and the Commission's Rules. The Commission approved PEF's need petition on August 12,

2008. See Order No. PSC-08-0518-FOF-EI. Subsequently, PEF prepared and submitted on June 2, 2008 its Site Certification Application (“SCA”) with the Florida Department of Environmental Protection (“DEP”). The DEP issued its SCA report to PEF on January 12, 2009, and the SCA hearing on the LNP concluded in March 2009. DEP is scheduled to issue its order on PEF’s SCA in May 2009, and the Governor and Cabinet sitting as the Siting Board are expected to vote on the Levy SCA by the end of the summer of 2009.

4. PEF further completed and submitted the Combined License Application (“COLA”) for the LNP to the United States Nuclear Regulatory Commission (“NRC”) on July 30, 2008. PEF also completed and submitted its Limited Work Authorization (“LWA”) request for the LNP concurrent with the Levy COLA. The LWA request was updated on September 12, 2008 based on interactions with the NRC. The NRC completed its sufficiency review on the Levy COLA and docketed the COLA on October 6, 2008.

5. In July 2008, PEF sought the recovery of its LNP actual and estimated project site selection, pre-construction costs, recoverable O&M costs, carrying charges on the DTA, and carrying charges associated with such costs, including carrying charges on construction costs. The Commission approved as reasonable such costs and authorized PEF to recover them beginning January 2009 through the CCRC. See Order No. PSC-08-0749-FOF-EI (Nov. 12, 2008). This charge totaled \$11.42 per 1,000 kWhs for residential customers.

6. Given the severity of the economic recession and in an effort to mitigate some of the price increases on its customers, on February 18, 2009, PEF petitioned the Commission to defer collection of \$198 million of the already approved 2009 actual and projected LNP pre-construction costs, until 2010. The Commission approved PEF’s request at its March 17, 2009 Agenda conference, which resulted in the Company lowering

its CCRC charge by \$7.80 per 1,000 KWwhs effective with the first billing cycle of April, 2009.

7. PEF now seeks to recover its actual and projected costs for the LNP and CR3 Uprate, as filed in its NFR schedules, pursuant to Section 366.93, Florida Statutes, and Rule 25-6.0423, F.A.C., in this NCRC proceeding.

IV. PRELIMINARY INFORMATION.

8. The Petitioner's name and address are:

Progress Energy Florida, Inc.
299 1st Ave. N.
St. Petersburg, Florida 33701

9. Any pleading, motion, notice, order, or other document required to be served upon PEF or filed by any party to this proceeding should be served upon the following individuals:

R. Alexander Glenn
alex.glenn@pgnmail.com

John Burnett
john.burnett@pgnmail.com

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V. PRIMARILY AFFECTED UTILITY.

10. PEF is the utility primarily affected by the proposed request for cost recovery. PEF is an investor-owned electric utility, regulated by the Commission pursuant to Chapter 366, Florida Statutes, and is a wholly owned subsidiary of Progress Energy, Inc. The Company's principal place of business is located at 299 1st Ave. N., St. Petersburg, Florida 33701.

11. PEF serves approximately 1.6 million retail customers in Florida. Its service area comprises approximately 20,000 square miles in 35 of the state's 67 counties, encompassing the densely populated areas of Pinellas and western Pasco Counties and the greater Orlando area in Orange, Osceola, and Seminole Counties. PEF supplies electricity at retail to approximately 350 communities and at wholesale to about 21 Florida municipalities, utilities, and power agencies in the State of Florida.

VI. PEF REQUESTS COST RECOVERY FOR THE LEVY NUCLEAR PROJECT AS PROVIDED IN SECTION 366.93, FLORIDA STATUTES, AND THE NUCLEAR COST RECOVERY RULE, RULE 25-6.0423, F.A.C.

12. PEF requests that, pursuant to Rule 25-6.0423, F.A.C., the Commission determine that PEF's 2009 and 2010 LNP costs are reasonable, and approve the collection of the revenue requirements associated with these costs in the CCRC. These costs total \$316.5 million in 2009 and \$188.5 million in 2010. The revenue requirements associated with these costs total \$435.6 million. Detailed descriptions of these expenditures, the estimated and projected costs, the contracts executed, the carrying costs, and the other information required by Rule 25-6.0423(8) F.A.C., are provided in PEF's pre-filed testimony, exhibits, and NFR schedules, which are hereby incorporated by reference.

13. As explained above, PEF proposes a bifurcated recovery structure that

would result in lower bill impacts in 2010 to help PEF's customers in these trying economic times. To mitigate the near term rate impact, PEF is willing to amortize the 2009 end of year unrecovered site selection and preconstruction balance of \$298.7 million over a period of five (5) years, as discussed and explained more fully in the testimony of Mr. Foster. This will result in 2009 ending under-recovery remaining in the CWIP project and excluded from rates at the beginning of 2010 and amortizing these costs into the CCRC rates over a five year period. Consistent with Section 366.93(1)(f), Florida Statutes, and Rule 25-6.0423(3), F.A.C., the balance of these costs that have not been amortized to rates will earn a carrying cost at PEF's authorized pretax AFUDC rate in effect on June 12, 2007. This proposal will reduce the 2010 revenue requirements down to \$225.7 million for a total reduction in 2010 of \$209.9 million. If the Commission elects to approve cost recovery under this proposal without alteration, the estimated residential rate per 1,000 kWh per month will be \$6.39 in 2010. If the Commission does not elect to approve PEF's bifurcated recovery proposal as presented, the estimated residential rate per 1,000 kWh per month will be \$12.33. Either way, PEF is entitled to recover all reasonable and prudent nuclear costs for the LNP and CR3 Uprate as demonstrated by the evidence in this proceeding. PEF's bifurcated recovery proposal however, mitigates the immediate rate impact of these recoverable nuclear costs on PEF's customers.

14. PEF's 2009 and 2010 LNP costs reflect a primary focus on obtaining key state and federal permits, such as the SCA and Combined Operating License ("COL"). As discussed in more detail in Mr. Miller's testimony, based on the NRC's treatment of certain work prior to the issuance of the LNP COL, PEF now expects a significant schedule shift in the commercial operation dates of the LNP. Specifically, PEF's initial schedule anticipated the ability to perform certain site work prior to COL receipt under a LWA from the NRC.

The NRC Staff has determined, however, that much of that schedule critical work will have to be deferred until after COL issuance. This will force PEF to shift substantial pre-construction work until much later in the process, which will in turn result in a deferral of various construction activities.

15. PEF is currently working with its vendors – Westinghouse and Shaw, Stone, & Webster (the “Consortium”) to assess the impact of the NRC Staff’s position. Although the overall schedule impact is not certain at this time, PEF expects the schedule to shift at least 20 months. Any impact on the total LNP cost is also uncertain at this time. Those impacts, if any, will be addressed in an amendment to the Engineering, Procurement, and Construction (“EPC”) contract between PEF and the Consortium.

16. In reviewing the impact of the schedule shift on the LNP, PEF will be weighing a number of factors in assessing how best to proceed with the project. The impact, if any, on the overall project cost will be an important factor, but PEF will also take into consideration how the shift may allow it to minimize the nearer-term costs of the LNP to the Company’s customers, mitigate any further regulatory process delays by shifting capital spending, and reduce the financial demands on the Company and its customers during a period of uncertain federal energy policy regulation and the current economic downturn.

17. The Company believes that continuing, although at a slower pace than initially anticipated, is a reasonable and prudent course at this early stage of the project. The LNP continues to be the best base load generation option, taking into account cost, potential carbon regulation, fossil fuel volatility, and the benefits of fuel diversification.

18. PEF will focus on obtaining key state and federal permits, such as the SCA and COL. The Company is already working with the Consortium to amend the EPC

contract to reflect the schedule shift and, to the extent possible, PEF's nearer-term focus on obtaining the LNP COL and other necessary permits.

19. PEF remains committed to the Levy Nuclear Project, and the completion of the LNP remains feasible. PEF continues to need base load, advanced nuclear generating capacity on its system, and PEF and Florida need a more diverse energy portfolio to decrease their dependence on fossil fuels such as coal, natural gas, and oil, which can be extremely volatile in price and supply. New, advanced-design nuclear power remains the best available technology to provide reliable electric service and to make significant reductions in greenhouse gas emissions, and Florida remains the national leader in progressive public policy to support the development of new, advanced nuclear power.

VII. PEF REQUESTS COST RECOVERY FOR THE CR3 UPRATE PROJECT AS PROVIDED IN SECTION 366.93, FLORIDA STATUTES, AND THE NUCLEAR COST RECOVERY RULE, RULE 25-6.0423, F.A.C.

20. PEF requests that, pursuant to Rule 25-6.0423, F.A.C., the Commission determine that PEF's 2009 and 2010 CR 3 Uprate costs are reasonable, and approve the collection of the revenue requirements associated with these costs in the CCRC. These costs total \$126.1 million in 2009 and \$49.9 million in 2010. The revenue requirements associated with these costs total \$10.7 million. In 2009, PEF expects to complete the balance of plant or "BOP" work, including two low pressure turbine replacements, turbine generator electrical stator rewind, turbine generator exciter replacement, four moisture separator reheater replacements, and two condensate heater replacements. Major activities in 2010 will focus on procurement of key EPU equipment, and final design and engineering work for the EPU. Detailed descriptions of these expenditures, the estimated and projected costs, the contracts executed, the carrying costs, and the other information required by Rule

25-6.0423(8) F.A.C., are provided in PEF's pre-filed testimony, exhibits, and NFR schedules. Accordingly, PEF requests that the Commission approve as reasonable PEF's actual/estimated and projected costs for the CR3 Uprate Project for the remainder of 2009 and 2010, and authorize recovery in the CCRC.

VIII. DISPUTED ISSUES OF MATERIAL FACT.

21. PEF is not aware at this time that there will be any disputed issues of material fact in this proceeding. Through its testimony and exhibits, incorporated herein by reference, PEF has demonstrated the prudence of its prior period costs and the reasonableness of its 2009 and 2010 costs associated with the LNP and the CR3 Uprate. PEF has also demonstrated through its testimony and exhibits why the recovery PEF requests is appropriate and warranted under Section 366.93, Florida Statutes, and Rule 25-6.0423, F.A.C.

IX. CONCLUSION.

WHEREFORE, for all the reasons provided in this Petition, as developed more fully in PEF's pre-filed testimony and exhibits, PEF requests that the Commission find that: (1) PEF is entitled to recover \$446,316,907 through the CCRC during the period January through December 2010, which amount reflects (a) the true-up of prior period costs for the LNP, (b) the projected pre-construction, recoverable O&M and carrying charges on the DTA costs and associated carrying charges for the construction of LNP, (c) the projected carrying charges on construction costs for the construction of the LNP, and (d) the projected carrying charges on construction costs, recoverable O&M costs, and carrying charges on the DTA for the construction of the CR3 Uprate; and (2) all of PEF's prior period LNP and CR3 Uprate costs are prudent and all of PEF's estimated/actual 2009 costs


and projected 2010 costs for the LNP and CR3 Uprate are reasonable, as provided in Section 366.93, Florida Statutes, and consistent with the Rule 25-6.0423, F.A.C.

PEF further requests, for all the reasons provided in this Petition and the pre-filed testimony and exhibits, that the Commission approve PEF's proposal to bifurcate the recovery of all reasonable and prudent LNP and CR3 Uprate costs recoverable in 2010 by (1) amortizing the unrecovered balance of site selection and preconstruction costs for 2009 in the amount of \$298.7 million over a five (5) year period as described above and more fully in the testimony of Mr. Foster, and (2) permitting recovery of all other preconstruction, carrying charges, and other costs as defined under the statute and rule during 2010, subject to the true-up provisions of the nuclear cost recovery rule.

Alternatively, if PEF's proposal to bifurcate the recovery of the total nuclear costs recoverable in 2010 is not accepted as presented, PEF requests that the Commission approve for cost recovery through the CCRC during the period January through December 2010 the total LNP and CR3 Uprate nuclear costs of \$446,316,907 found to be reasonable and prudent.

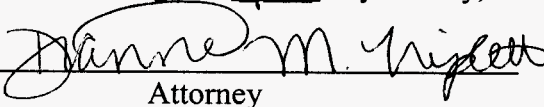
Respectfully submitted this 1st day of May, 2009.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Petition for Cost Recovery in Docket No. 080009-EI has been furnished electronically and by regular U.S. mail to the following this 1st day of May, 2009.



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