

**Marguerite McLean**

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**From:** Costello, Jeanne [jcostello@carltonfields.com]  
**Sent:** Monday, June 29, 2009 2:08 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Bryan.Anderson@fpl.com; Lisa Bennett; jbrew@bbrslaw.com; Jennifer Brubaker; john.burnett@pgnmail.com; jessica.cano@fpl.com; janusman@att.net; alex.glenn@pgnmail.com; Ljacobs50@comcast.net; vkaufman@kagmlaw.com; paul.lewisjr@pgnmail.com; shayla.mcneill@tyndall.af.mil; jmcwhirter@mac-law.com; RMiller@pcsphosphate.com; jmoyle@kagmlaw.com; Charles Rehwinkel; Stright, Lisa; ataylor@bbrslaw.com; Tibbetts, Arlene; Keino Young; Walls, J. Michael; Triplett, Dianne; Bernier, Matthew R.  
**Subject:** Docket 090009 Notice of Filing Verified Affidavits.pdf  
**Attachments:** Docket 090009 Notice of Filing Verified Affidavits.pdf



**DOCKET  
NOTICE**

**<<Docket 090009 Notice of Filing Verified Affidavits.pdf>> Docket  
090009  
In re: Nuclear Power Plant Cost Recovery Clause**

**1. This filing is made by:**

**Jeanne Costello on behalf of Dianne M Triplett Carlton Fields, P.A.  
4221 W. Boy Scout Boulevard, Suite 1000  
Tampa, Florida 33607-5780  
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**2. Attached for filing on behalf of Progress Energy Florida, Inc.  
is a Notice of Filing Verified Affidavits.**

**3. This filing consists of 12 pages.**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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IN RE: NUCLEAR POWER PLANT COST  
RECOVERY CLAUSE

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Docket No. 090009-EI  
Submitted for Filing: June 29, 2009

**NOTICE OF FILING VERIFIED AFFIDAVITS**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. of service of the following verified affidavits:

1. Affidavit of Garry Miller in Support of Progress Energy Florida's Fifth Request for Confidential Classification;
2. Affidavit of Raymond Phillips in Support of Progress Energy Florida's Sixth Request for Confidential Classification; and
3. Affidavit of Garry Miller in Support of Progress Energy Florida's Sixth Request for Confidential Classification.

Respectfully submitted,

R. ALEXANDER GLENN  
[Alex.Glenn@pgnmail.com](mailto:Alex.Glenn@pgnmail.com)  
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(813) 223-7000/(813) 229-4133 (fax)

-and-

PAUL LEWIS JR.

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Progress Energy Service Company, LLC


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Tallahassee, FL 32301

(850) 222-8738/(850) 222-9768 (fax)

### 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 29<sup>th</sup> day of June, 2009.

  
ATTORNEY

**Docket 090009**

#### **Counsel and Parties of Record**

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery Clause

Docket No: 090009-EI  
Submitted for Filing: June 18, 2008

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

STATE OF NORTH CAROLINA

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 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.

3. PEF is seeking confidential classification for portions of responsive documents to OPC's Third Request for Production of Documents, numbers 60 and 61. 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 Third Request for Confidential Classification as Exhibit 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.

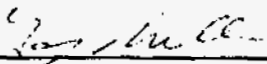
4. Specifically, portions of these responsive documents contain confidential contractual data, including pricing agreements and other confidential contractual terms. Disclosure of the terms of these agreements would impair PEF's competitive business interests, and would further be a violation of the PEF's confidentiality agreements. 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, thereby giving third parties a competitive advantage when negotiating similar contracts with PEF. For example, if third party contractors were to know the amount that PEF is willing to pay for certain work, they may raise their bids to such an amount, irrespective of the fact that they may be able to perform the work for a lesser amount, thus making it more expensive for PEF to contract for necessary goods and services. Furthermore, portions of the responsive documents contain competitive business information regarding steps the Company is taking to minimize the costs of the schedule shift regarding the LNP. Disclosure of this information could adversely impair the ability of the Company to successfully defray such costs, by giving competitors and those PEF would hope to contract with valuable insight into the Company's plans.

5. 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.

6. This concludes my affidavit.

Further affiant sayeth not.

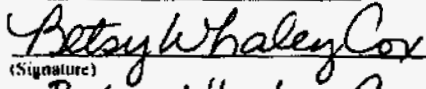
Dated the 25th day of June, 2009.

  
\_\_\_\_\_  
(Signature)  
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 25th day of June, 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

(AFFIX NOTARIAL SEAL)

  
\_\_\_\_\_  
(Signature)  
Betsy Whaley Cox  
\_\_\_\_\_  
(Printed Name)  
NOTARY PUBLIC, STATE OF NC  
12/21/2011  
\_\_\_\_\_  
(Commission Expiration Date)

\_\_\_\_\_  
(Serial Number, if Any)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Nuclear Cost Recovery Clause

Docket No: 090009-EI  
Submitted for Filing: June 25, 2008

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**AFFIDAVIT OF RAYMOND PHILLIPS IN SUPPORT OF PROGRESS ENERGY  
FLORIDA'S SIXTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

1. My name is Raymond Phillips. 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 an Audit Manager for Progress Energy (PGN). This department manages internal audits conducted by the Progress Energy on various projects. Within the PGN internal audit department, I am the Audit Manager primarily responsible for audits of Progress Energy Florida. As the Florida Audit Manager, I am responsible for the completion of internal audits scheduled for Company projects. I also have knowledge as to the Company's internal auditing controls and how PGN carries out the process of conducting internal audits.



3. PEF is seeking confidential classification for the responsive documents to Staff's Third Request for Production of Documents, number 12, as well as the documents included in the Company's Supplemental response to OPC's First Request for Production of Documents, specifically number 47. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Sixth Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Sixth Request for Confidential Classification as Exhibit 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 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. 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.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the 24 day of June, 2009.

Raymond C. Phillips  
(Signature)  
Raymond Phillips  
Progress Energy Services Company, LLC

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 26<sup>th</sup> day of June, 2009 by Raymond Phillips. He is personally known to me, or has produced his FLORIDA driver's license, or his \_\_\_\_\_ as identification.

Cynthia T. Wiggins  
(Signature)

CYNTHIA T. WIGGINS  
(Printed Name)

NOTARY PUBLIC, STATE OF NC

AUGUST 01, 2010  
(Commission Expiration Date)

(AFFIX NOTARIAL SEAL)



\_\_\_\_\_  
(Serial Number, If Any)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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IN RE: NUCLEAR POWER PLANT COST  
RECOVERY CLAUSE

Docket No. 090009-EI  
Submitted for Filing: June 25, 2009

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

STATE OF NORTH CAROLINA  
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 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.

3. PEF is seeking confidential classification for the responsive documents to Staff's Third Request for Production of Documents, number 12, as well as the documents included in the Company's Supplemental response to OPC's First Request for Production of Documents, specifically number 47. A detailed description of the confidential information at issue is contained in confidential Exhibit A to PEF's Sixth Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Sixth Request for Confidential Classification as Exhibit C. PEF is requesting confidential classification of these documents because they contain 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, portions of these responsive documents contain confidential contractual data, including pricing agreements and other confidential contractual terms. Disclosure of the terms of these agreements would impair PEF's competitive business interests, and would further be a violation of the PEF's confidentiality agreements. 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, thereby giving third parties a competitive advantage when negotiating similar contracts with PEF. For example, if third party contractors were to know the amount that PEF is willing to pay for certain work, they may raise their bids to such an amount, irrespective of the fact that they may be able to perform the work for a lesser amount, thus making it more expensive for PEF to contract for necessary goods and services. Furthermore, portions of the responsive documents contain competitive business information regarding steps the Company is taking to minimize the costs of the schedule shift regarding the LNP. Disclosure of this information could adversely impair the

ability of the Company to successfully defray such costs by giving competitors and those PEF would hope to contract with valuable insight into the Company's plans.

5. 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.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the 25th day of June, 2009.

Garry Miller  
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 25th day of June, 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)

\_\_\_\_\_  
(Serial Number, If Any)