

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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COMMISSION  
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IN RE: NUCLEAR POWER PLANT  
COST RECOVERY CLAUSE

Docket No. 090009-EI  
Submitted for Filing: July 14, 2009

**TENTH NOTICE OF INTENT TO REQUEST  
CONFIDENTIAL CLASSIFICATION**

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, files this Tenth Notice of Intent to Request Confidential Classification of the deposition of Garry Miller, as well as the documents being produced in response to White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate - White Springs' ("White Springs") Second Request for Production of Documents (Nos. 18 - 19). Mr. Miller's deposition given in this docket contains confidential and proprietary contractual information, information regarding internal controls and results, as well as other confidential competitive business information, the release of which would harm PEF's competitive business interests and violate PEF's contractual confidentiality agreements. Furthermore, this information has previously been provided in response to various requests throughout the discovery process, and at all times PEF has maintained its confidentiality. The

**COM** responsive documents to White Springs' Second Request for Production of Documents contain  
**ECR** 1 information provided to PEF pursuant to contractual confidentiality provisions, and therefore the  
**GCL** 1  
**OPC** 1 release of such information would harm PEF's competitive interests and violate the contractual  
**RCP** \_\_\_\_\_  
**SSC** 1 provisions under which it was provided to PEF.  
**SGA** \_\_\_\_\_  
**ADM** \_\_\_\_\_ Attached as Exhibit A is a CD containing confidential, highlighted copies of the above  
**CLK** 1 referenced deposition.

This docketed notice of intent was filed with Confidential Document No. 07085-09. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

DOCUMENT NUMBER-DATE

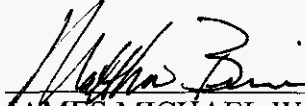
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Pursuant to Rule 25-22.006(3)(a)(1), PEF will file its Request for Confidential Classification for such confidential information contained therein within twenty-one (21) days of filing this request.

Respectfully submitted,

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**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 14<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
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# Public Service Commission

## ACKNOWLEDGEMENT

DATE: July 14, 2009

TO: Matthew R. Bernier

FROM: Kimberley M. Peña, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090009-EI or, if filed in an undocketed matter, concerning Portion of deposition of Garry Miller and documents being produced in response to White Springs 2nd request for PODs (Nos. 18-19), and filed on behalf of Progress Energy Florida. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kimberley M. Peña, Records Management Assistant, at (850) 413-6770.

**DOCUMENT NO.    DATE**

07086-09    07/14/2009  
**FPSC - COMMISSION CLERK**

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