

**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: July 28, 2009

**NOTICE OF FILING AFFIDAVIT OF JON FRANKE IN SUPPORT OF PEF'S  
TWELFTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. of filing the Affidavit of JON FRANKE in support of Progress Energy Florida's Twelfth Request for Confidential Classification.

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 28<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery Clause

Docket No: 090009-EI  
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**AFFIDAVIT OF JON FRANKE IN SUPPORT OF PROGRESS ENERGY FLORIDA'S  
TWELFTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF CITRUS

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

1. My name is Jon Franke. 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 at Crystal River Unit 3. As such, I am responsible for the safe operation of the nuclear generating station. Additionally, I have indirect responsibilities in oversight of major project activities at the station. Through my management team I have about 490 employees that perform the daily work required to operate the station and provide engineering training and support to the station.

3. PEF is seeking confidential classification of portions of the documents produced to the Commission's Auditor for use in preparing the Review of PEF's Project Management

Internal Controls for Nuclear Plant Uprate and Construction Projects Draft Report, dated July, 2009. A detailed description of the confidential information at issue is contained in confidential Attachment A to PEF's Request for Confidential Classification and is outlined in PEF's Justification Matrix that is attached to PEF's Request for Confidential Classification as Exhibit C. PEF is requesting confidential classification of these documents because they include 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, the information included these 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. Additionally, this report contains information related to the planned outages at Crystal River Unit 3 ("CR3"). Public disclosure of this information could adversely affect the Company's to purchase power during these periods at favorable prices, therefore further impacting the Company's competitive interests.

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.

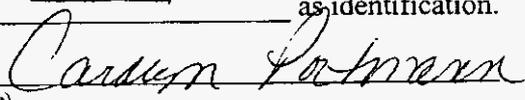
6. This concludes my affidavit.

Further affiant sayeth not.

Dated the 27 day of July, 2009.

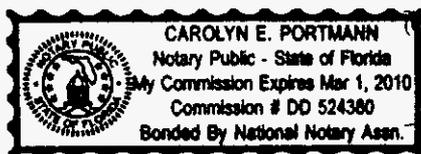
  
\_\_\_\_\_  
(Signature)  
Jon Franke  
Vice President  
Crystal River Unit 3  
15760 W. Powerline St.  
Crystal River, Florida 34442

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 27 day of July, 2009 by Jon Franke. He is personally known to me, or has produced his July 2009 driver's license, or his \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)  
NOTARY PUBLIC, STATE OF \_\_\_\_\_

(AFFIX NOTARIAL SEAL)



\_\_\_\_\_  
(Commission Expiration Date)