

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

Docket No. 090009-EI
Submitted for Filing: July 28, 2009

**NOTICE OF FILING UNVERIFIED AFFIDAVIT OF GARY FURMAN 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 Unverified Affidavit of GARY FURMAN in support of Progress Energy Florida's Twelfth Request for Confidential Classification.

Respectfully submitted,

R. ALEXANDER GLENN
General Counsel
JOHN BURNETT
Associate General Counsel
PROGRESS ENERGY SERVICE
COMPANY, LLC
Post Office Box 14042
St. Petersburg, FL 33733-4042
(727) 820-5587/Fax: (727) 820-5519


JAMES MICHAEL WALLS
Florida Bar No. 0706242
DIANNE M. TRIPLETT
Florida Bar No. 0872431
MATTHEW R. BERNIER
Florida Bar No. 0059886
CARLTON FIELDS, P.A.
Post Office Box 3239
Tampa, FL 33601-3239
(813) 223-7000/Fax: (813) 229-4133

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 28th day of July, 2009.


ATTORNEY

MR. PAUL LEWIS, JR.
Progress Energy Florida, Inc.
106 East College Avenue, Ste. 800
Tallahassee, FL 32301-7740
(850) 222-8738 / FAX: (850) 222-9768
Email: paul.lewisjr@pgnmail.com

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

KEINO YOUNG
LISA BENNETT
JENNIFER BRUBAKER
ANNA WILLIAMS
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee 32399
(850) 413-6218 / FAX: (850) 413-6184
Email: kyoung@psc.state.fl.us
lbennett@psc.state.fl.us
jbrubake@psc.state.fl.us
awilliams@psc.state.fl.us

VICKI GORDON KAUFMAN
JON C. MOYLE, JR.
118 North Gadsden Street
Tallahassee, FL 32301
(850) 681-3828 / FAX: (850) 681-8788
Email: vkaufman@kagmlaw.com
jmoyle@kgmlaw.com

HONORABLE CHARLES S. DEAN
Senate Majority Whip
411 Tomkins Street
Inverness, FL 34450
Phone: (352) 860-5175

JOHN W. MCWHIRTER
McWhirter Law Firm
400 North Tampa Street, Ste. 2450
Tampa, FL 33602
(813) 224-0866 / FAX: (813) 221-1854
Email: jmcwhirter@mac-law.com

BRYAN S. ANDERSON
JESSICA CANO
Florida Power & Light
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7101 / FAX: (561) 691-7135
Email: bryan.anderson@fpl.com
Jessica.cano@fpl.com

JAMES W. BREW
F. ALVIN TAYLOR
Brickfield Burchette Ritts & Stone, PC
1025 Thomas Jefferson St NW
8th FL West Tower
Washington, DC 20007-5201
(202) 342-0800 / FAX: (202) 342-0807
Email: jbrew@bbrslaw.com
ataylor@bbrslaw.com

E. LEON JACOBS, JR.
Southern Alliance for Clean Energy, Inc.
c/o Williams Law Firm
1720 S. Gadsden Street MS 14, Ste. 20
Tallahassee, FL 32301
(850) 222-1246 / FAX: (850) 599-9079
Email: Ljacobs50@comcast.net

RANDY B. MILLER
White Springs Agricultural Chemicals, Inc.
P.O. Box 300
White Springs, FL 32096
Email: RMiller@pcsphosphate.com

GARY A. DAVIS
JAMES S. WHITLOCK
Gary A. Davis & Associates
P.O. Box 649
Hot Springs, NC 28743
(828) 622-0044
Email: gadavis@enviroattorney.com
jswitlock@enviroattorney.com

CAPTAIN SHAYLA L. MCNEILL
AFLOA/JACL-ULT
AFCESA
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403
(850) 283-6663 / FAX: (850) 283-6219
Email: shayla.mcneill@tyndall.af.mil

HONORABLE MIKE FASANO
8217 Massachusetts Avenue
New Port Richey, FL 34653
(727) 485-5885 / FAX: (727) 841-4453

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause

Docket No: 090009-EI
Submitted for Filing: July 28, 2008

**UNVERIFIED AFFIDAVIT OF GARY FURMAN IN SUPPORT OF PROGRESS
ENERGY FLORIDA'S TWELFTH REQUEST FOR CONFIDENTIAL
CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF _____

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

1. My name is Gary Furman. 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 Manager of Major Projects in the Generation and Transmission Construction Department. As such, I am leading a cross-functional, multi-disciplinary team in the development and execution of the transmission line projects associated with the Levy Nuclear Plant ("LNP").

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 Exhibit A to PEF's 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 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 documents provided to the PSC's Auditor contain confidential contractual data, as well as other competitive business information, such as proposed routes for planned transmission lines regarding the LNP, the disclosure of which would impair PEF's efforts to contract for goods and services on favorable terms, harming PEF's competitive business interests. 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 landowners along proposed routes were to know the amount that PEF is willing to pay for such land or even why the land was sought, they could increase the asking price above the level they may have been willing to sell for absent the information.

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 _____ day of July, 2009.

(Signature)

Gary Furman
Manager, Major Projects
Generation & Construction Department
Progress Energy Florida
3300 Exchange Place
Lake Mary, FL 32746

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ____ day of July, 2009 by Gary Furman. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

(Signature)

(AFFIX NOTARIAL SEAL)

(Printed Name)

NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)