

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 GARRY MILLER 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 GARRY MILLER in support of Progress Energy Florida's Twelfth Request for Confidential Classification.

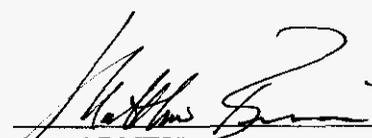
Respectfully submitted,

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 28<sup>th</sup> 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](mailto: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](mailto: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](mailto:kyoung@psc.state.fl.us)  
[lbennett@psc.state.fl.us](mailto:lbennett@psc.state.fl.us)  
[jbrubake@psc.state.fl.us](mailto:jbrubake@psc.state.fl.us)  
[awilliams@psc.state.fl.us](mailto: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](mailto:vkaufman@kagmlaw.com)  
[jmoyle@kagmlaw.com](mailto:jmoyle@kagmlaw.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: [jmewhirter@mac-law.com](mailto:jmewhirter@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](mailto:bryan.anderson@fpl.com)  
[Jessica.cano@fpl.com](mailto: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](mailto:jbrew@bbrslaw.com)  
[ataylor@bbrslaw.com](mailto: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](mailto:Ljacobs50@comcast.net)

RANDY B. MILLER  
White Springs Agricultural Chemicals, Inc.  
P.O. Box 300  
White Springs, FL 32096  
Email: [RMiller@pcsphosphate.com](mailto: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](mailto:gadavis@enviroattorney.com)  
[jswitlock@enviroattorney.com](mailto: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](mailto:shayla.mcneill@tyndall.af.mil)

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

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IN RE: NUCLEAR POWER PLANT COST  
RECOVERY CLAUSE

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

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

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 Twelfth 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 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 as Attachment 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, the documents provided to the PSC's Auditor contain confidential contractual data 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. Release of PEF's contractual agreements, including pricing arrangements, 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 as well as providing PEF's competitors for such goods and services valuable insight into the Company's strategic planning.

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 persons who 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.

\_\_\_\_\_  
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 \_\_\_ day of July, 2009 by Garry Miller. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.

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

\_\_\_\_\_  
(Printed Name)

(SEAL)

NOTARY PUBLIC, STATE OF \_\_\_\_\_

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