

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

Docket No. 090009-EI
Submitted for Filing: August 5, 2009

**NOTICE OF FILING AFFIDAVIT OF GARRY MILLER IN SUPPORT OF PEF'S
FIFTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. of filing the Affidavit of GARRY MILLER in support of Progress Energy Florida's Fifteenth 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 5th day of August, 2009.



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FLORIDA'S FIFTEENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NC
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 Thirteenth 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, and 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 the supplemental response to White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs’ (“White Springs”) First Request for Production of Documents (Nos. 1-17), specifically request number 5, and PEF’s supplemental response to Office of Public Counsel’s (“OPC”) Seventh Request for Production of Documents (Nos. 87-99), specifically request number 92. 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 confidential and proprietary information related to the Company’s competitive business interests, the disclosure of which would compromise PEF’s competitive business interests and harm continuing contractual negotiations.

4. Specifically, the responsive documents include information regarding the contractual agreements necessary for the success of the Levy Nuclear Project (“LNP”), including information concerning the on-going negotiations for a potential joint owner of the LNP. The documents in question also contain additional information concerning the Company’s plans for the LNP, as well as “resource contingencies” facing the Company based on alternative joint-ownership percentages. The release of this information would harm the Company’s competitive business interests by offering competitors and potential suppliers valuable insight into the PEF’s strategies going forward. Additionally, the contain sensitive business information in the form of presentations made to the Board of Directors, covering topics such as the continuing negotiations with potential joint-owners of the LNP, as well as what the Company’s “Critical Success Factors” for the LNP. Disclosure of the Company’s plans and strategies regarding the LNP could result in potential suppliers, vendors, and/or purchasers of services required for successful

completion of the LNP changing their position in future negotiations with PEF. Furthermore, PEF's competitors for like products and services would gain valuable information regarding the LNP that could result in PEF being at a competitive disadvantage with respect to commonly sought after goods and materials. Without PEF's measures to maintain the confidentiality of sensitive information in these documents, the Company's efforts to obtain competitive contracts and to obtain competitively priced goods and services would be undermined. This information would provide PEF's competitors for such goods and services valuable insight into the Company's strategic planning, thereby providing those competitors with a competitive advantage. Finally, the disclosure of this information could have a negative impact on the Company's attempt to contract for a joint-owner of the LNP, causing potential harm to PEF and its ratepayers.

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 4th day of August, 2009.



Garry Miller, General Manager
Nuclear Plant Development

Progress Energy
100 E. Davie Street TPP 15
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THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 4th day of August, 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)