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Ruth Nettles

090009-EI

From: Costello, Jeanne [jcostello@carltonfields.com]
 Sent: Tuesday, August 18, 2009 3:31 PM
 To: Filings@psc.state.fl.us
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 Subject: Filing Docket 090009

Attachments: Docket 090009 Notice Filing Verified Affidavit in Supp of 14th Req for Conf Class.pdf



Docket 090009
Notice Filing Ve..

<<Docket 090009 Notice Filing Verified Affidavit in Supp of 14th Req for Conf Class.pdf>> Docket 090009 In Re: Nuclear Power Plant Cost Recovery Clause

1. This filing is being made by

Jeanne Costello on behalf of Dianne Triplett Carlton Fields, P.A.
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2. This filing is Progress Energy Florida's Notice of Filing Verified Affidavit of Garry Miller in Support of PEF's Fourteenth Request for Confidential Classification.

3. This filing consists of 7 pages.

4. This filing is made on behalf of Progress Energy Florida, Inc.

DOCUMENT NUMBER-DATE
 08584 AUG 18 8
 FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE


Docket No. 090009-EI
Submitted for Filing: August 18, 2009

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

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. of filing the verified Affidavit of GARRY MILLER in support of Progress Energy Florida's Fourteenth Request for Confidential Classification.

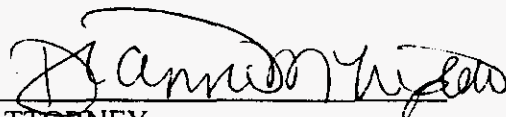
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CERTIFICATE OF SERVICE

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 18th day of August, 2009.


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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

Docket No. 090009-EI
Submitted for Filing: August 4, 2009

**AFFIDAVIT OF GARRY MILLER IN SUPPORT OF PROGRESS ENERGY
FLORIDA'S FOURTEENTH 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, 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 my deposition given in the above referenced docket on July 2nd, 2009 (the "Deposition"). 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 this information because it contains 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, portions of the Deposition 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 and termination provisions would impair PEF's competitive business interests, and would further be a violation of the PEF's confidentiality agreements, as the confidential information at issue contains information related to the EPC. 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 and as a result they may offer PEF less competitive contractual terms in future contractual negotiations or be in position to negotiate contracts less favorable to the Company and its customers. This information would also 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.

5. Furthermore, the responsive documents to White Springs' Second Request for Production of Documents contain information provided to PEF pursuant to contractual confidentiality provisions, and therefore the release of such information would harm PEF's competitive interests and violate the contractual provisions under which it was provided to PEF. If parties that PEF contracts with cannot be guaranteed that the information provided under confidentiality agreements will be protected from disclosure as agreed, PEF will either be unable to secure the necessary information, or will be unable to do so on favorable terms, thereby harming the Company and its ratepayers.

6. 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.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated the 6th day of August, 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 6th 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)