

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: NUCLEAR POWER PLANT COST  
RECOVERY CLAUSE

Docket No. 090009-EI  
Submitted for Filing: August 26, 2009

**NOTICE OF FILING UNVERIFIED AFFIDAVIT OF GARRY MILLER IN SUPPORT  
OF PEF'S EIGHTEENTH 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 Eighteenth 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 26<sup>th</sup> day of August, 2009.

  
\_\_\_\_\_  
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IN RE: NUCLEAR POWER PLANT COST  
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**UNVERIFIED AFFIDAVIT OF GARRY MILLER IN SUPPORT OF PROGRESS  
ENERGY FLORIDA'S EIGHTEENTH 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 Seventeenth 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 William R. Jacobs, Jr.'s Deposition given in the above referenced docket on July 27th, 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 information related to the Company's competitive business interests, including contractual information that is subject to contractual confidentiality provisions.

4. Specifically, the Deposition includes extensive discussions regarding the Company's strategies concerning the Levy Nuclear Project ("LNP"), including information concerning the EPC contract. This information is subject to the confidentiality provision of the EPC contract. 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. 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. 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. Furthermore, per the terms of the EPC contract's confidentiality provision, any discussions or information regarding specific provisions of the contract, or information pertaining to the negotiation of those provisions, are considered confidential by both PEF and the Consortium. 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.

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. Additionally, PEF has provided this information, or information similar to this, in response to various discovery requests throughout this proceeding, and at all times the Company has maintained the confidentiality of the information at issue.

6. This concludes my affidavit.

Further affiant sayeth not.

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

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

(SEAL)

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