

Marguerite McLean

090009-EI

From: O'Neal, Barbara [boneal@carltonfields.com]
Sent: Thursday, August 27, 2009 4:40 PM
To: Filings@psc.state.fl.us
Cc: alex.glenn@pgnmail.com; Anna Williams; Bernier, Matthew R.; Bryan.Anderson@fpl.com; Charles Rehwinkel; Costello, Jeanne; LJacobs50@comcast.net; eroach@mcguirewoods.com; ataylor@bbrslaw.com; gadavis@enviroattorney.com; jbrew@bbrslaw.com; Jennifer Brubaker; Jessica.Cano@fpl.com; John.Burnett@pgnmail.com; JMcWhirter@mac-law.com; JMoyle@kagmlaw.com; Keino Young; Lisa Bennett; paul.lewisjr@pgnmail.com; RMiller@pcsphosphate.com; Shayla.McNeill@tyndall.af.mil; Triplett, Dianne; VKaufman@kagmlaw.com; Walls, J. Michael
Subject: Electronic Filing Docket No. 090009
Attachments: Garry Miller Affidavit Notice of Filing.pdf

Matthew R. Bernier, Carlton Fields, P.A., 215 South Monroe Street, Ste. 500, Tallahassee, FL 32301, mbernier@carltonfields.com is the person responsible for this electronic filing;

The filing is to be made in Docket 090009-EI, In re: Nuclear Cost Recovery Clause;

The attached document is Progress Energy Florida's Notice of Filing Verified Affidavit of Garry Miller in Support of PEF's Eighteenth Request for Confidential Classification.

Thank you.

CARLTON FIELDS
ATTORNEYS AT LAW

Barbara O'Neal

Legal Administrative Assistant

215 S. Monroe Street, Suite 500
Tallahassee, Florida 32301-1866

direct 850.425.3388
fax 850.222.0398
boneal@carltonfields.com
www.carltonfields.com

DOCUMENT NUMBER-DATE

08915 AUG 27 8

FPSC-COMMISSION CLERK

8/27/2009

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

Docket No. 090009-EI
Submitted for Filing: August 27, 2009

**NOTICE OF FILING VERIFIED 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 verified Affidavit of GARRY MILLER in support of Progress Energy Florida's Eighteenth 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 27th day of August, 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: ykaufman@kagmlaw.com
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
Post Office Box 3350
Tampa, FL 33601-3350
(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
jswhitlock@enviroattorney.com

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

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

EDGAR M. ROACH, JR.
McGuire Woods
2600 Two Hanover Square
P.O. Box 27507 (27611)
Raleigh, NC 27601
(919) 755-6690 / Fax: (919) 755-6593

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

Docket No. 090009-EI
Submitted for Filing: August 27, 2009

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

STATE OF Florida
COUNTY OF Pinellas

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 27th 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 27th day of August, 2009 by Garry Miller. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.

(SEAL)  NOTARY PUBLIC-STATE OF FLORIDA
Joanne A. Godsey-Baur
Commission #DD703482
Expires: AUG. 08, 2011
BONDED THRU ATLANTIC BONDING CO, INC.


(Signature)

Joanne A. Godsey-Baur
(Printed Name)