

Marguerite McLean

090009 - EI

From: O'Neal, Barbara [boneal@carltonfields.com]
Sent: Friday, September 04, 2009 2:18 PM
To: Filings@psc.state.fl.us
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Subject: Electronic Filing Docket No. 090009
Attachments: Garry Miller Affidavit and Notice.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 Notice of Filing Verified Affidavit of Garry Miller in Support of PEF's Twentieth Request for Confidential Classification and Notice of Filing Affidavit.

Thank you.

CARLTON FIELDS
ATTORNEYS AT LAW

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DOCUMENT NO. DATE

09238-09 9/14/09
FPSC - COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

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

**NOTICE OF FILING VERIFIED AFFIDAVIT OF GARRY MILLER IN SUPPORT OF
PEF'S TWENTIETH 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 Twentieth 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 4th day of September, 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: September 3, 2009

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

STATE OF Florida
COUNTY OF Hillsborough

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 Twentieth 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 in response to the Florida Public Service Commission's Staff's ("Staff") Ninth Set of Interrogatories (Nos. 66-76), specifically numbers 67-76 (the "Documents"). 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.

4. Specifically, the Documents include information regarding the Company's strategies and projections concerning the Levy Nuclear Project ("LNP") that PEF considers proprietary and confidential. 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, strategies or projections 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. 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.

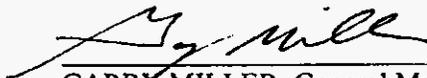
5. Upon receipt of this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the

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.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the 3rd day of September, 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 3rd day of September, 2009 by Garry Miller. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.



(Signature)

(SEAL)

Jean L Costello

(Printed Name)

