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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT
COST RECOVERY CLAUSE

COMMISSION
CLERK
Docket No. 100009-EI
Submitted for Filing: July 30, 2010

**FIFTH NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION
REGARDING THE DEPOSITION TRANSCRIPT OF WILLIAM R. JACOBS, JR., PH.D.**

Progress Energy Florida ("PEF" or the "Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, files this Notice of Intent to Request Confidential Classification of portions of William R. Jacobs, Jr., Ph.D.'s ("Dr. Jacobs") deposition given in the above referenced docket on July 27th, 2010 (the "Deposition"). Portions of the Deposition transcript contain confidential competitive business information related to the Levy Nuclear Project ("LNP"), including confidential information related to the LNP Engineering, Procurement & Construction ("EPC") agreement and amendments, the release of which would harm PEF's competitive business, and violate contractual confidentiality agreements. PEF considers this information proprietary and confidential, does not share it with the public, and has at all times maintained its confidentiality. Furthermore, this information has been produced in response to various discovery requests throughout the discovery process, and at all times the Company has taken the appropriate steps to maintain its confidentiality. For these reasons, PEF is requesting that the Commission afford these documents confidential classification.

COM _____
APA | _____
ECR (3) question.
GCL | _____
RAD | _____
SSC _____
ADM _____
OPC _____
CLK *Pera* 17207557.1

PEF is providing as Exhibit "A" a CD containing the confidential information in

____ CLAIM OF CONFIDENTIALITY
 NOTICE OF INTENT
____ REQUEST FOR CONFIDENTIALITY
____ FILED BY OPC

FOR DN 06238-10, WHICH
IS IN LOCKED STORAGE. YOU MUST BE
AUTHORIZED TO VIEW THIS DN. - CLK

DOCUMENT NUMBER-DATE

16237 JUL 30 2010

PPSC-COMMISSION CLERK

Pursuant to Rule 25-22.006(3)(a)(1), PEF will file its Request for Confidential Classification for such confidential information contained therein within twenty-one (21) days of filing this request.

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 30th day of July, 2010.



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Re: Acknowledgement of Confidential Filing in Docket No. 100009-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a **CONFIDENTIAL DOCUMENT** filed on July 30, 2010, in the above-referenced docket.

Document Number 06238-10 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.