

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED-PPSC
10 AUG 18 PM 3:00
COMMISSION
CLERK

IN RE: NUCLEAR POWER PLANT COST
RECOVERY CLAUSE

Docket No. 100009-EI
Submitted for Filing: August 18, 2010

**NOTICE OF FILING AFFIDAVIT IN SUPPORT OF
PEF'S TWENTY-FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION
REGARDING PEF RESPONSES STAFF'S FOURTH REQUEST FOR PRODUCTION**

Notice is hereby given, through the undersigned counsel, on behalf of Progress Energy Florida, Inc. ("PEF") of filing the affidavit of Jeff Lyash in support of Progress Energy Florida's Twenty-First Request for Confidential Classification regarding PEF's responses to Staff's Fourth Request for Production of Documents (Nos. 10-21).

Respectfully submitted,



R. Alexander Glenn
General Counsel
John Burnett
Associate General Counsel
Dianne M. Triplett
Associate General Counsel
PROGRESS ENERGY SERVICE
COMPANY, LLC
Post Office Box 14042
St. Petersburg, FL 33733-4042
Telephone: (727) 820-5587
Facsimile: (727) 820-5519


James Michael Walls
Florida Bar No. 0706242
Blaise N. Huhta
Florida Bar No. 0027942
Matthew R. Bernier
Florida Bar No. 0059886
CARLTON FIELDS, P.A.
Post Office Box 3239
Tampa, FL 33601-3239
Telephone: (813) 223-7000
Facsimile: (813) 229-4133

COM _____
APA 1
ECR 4
GCL 1
RAD 1
SSC _____
ADM _____
OPC _____
CLK _____

DOCUMENT NUMBER-DATE
06842 AUG 18 2010
PPSC-CONFIDENTIAL

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, 2010.



Attorney

Anna Williams
Lisa Bennett
Keino Young
Staff Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee 32399
Phone: (850) 413-6218
Facsimile: (850) 413-6184
Email: anwillia@psc.state.fl.us
lbennett@psc.state.fl.us
kyoung@psc.state.fl.us

Charles Rehwinkel
Associate Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
Phone: (850) 488-9330
Email: rehwinkel.charles@leg.state.fl.us

Vicki G. Kaufman
Jon C. Moyle, Jr.
Keefe Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
Phone: (850) 681-3828
Fax: (850) 681-8788
Email: vkaufman@kagmlaw.com
jmoyle@kagmlaw.com

Bryan S. Anderson
Jessica Cano
Florida Power & Light
700 Universe Boulevard
Juno Beach, FL 33408-0420
Phone: (561) 691-7101
Facsimile: (561) 691-7135
Email: bryan.anderson@fpl.com
Jessica.cano@fpl.com

John W. McWhirter
McWhirter Law Firm
400 North Tampa Street, Ste. 2450
Tampa, FL 33602
Phone: (813) 224-0866
Facsimile: (813) 221-1854
Email: jmcwhirter@mac-law.com

James W. Brew
Brickfield Burchette Ritts & Stone, PC
1025 Thomas Jefferson St NW
8th FL West Tower
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807
Email: jbrew@bbrslaw.com

Mr. Paul Lewis, Jr.
Progress Energy Florida, Inc.
106 East College Avenue, Ste. 800
Tallahassee, FL 32301-7740
Phone: (850) 222-8738
Facsimile: (850) 222-9768
Email: paul.lewisjr@pgnmail.com

Captain Shayla L. McNeill
Air Force Legal Operations Agency (AFLOA)
Utility Litigation Field Support Center (ULFSC)
139 Barnes Drive, Ste. 1
Tyndall AFB, FL 32403-5319
Phone: (850) 283-6663
Facsimile: (850) 283-6219
Email: shayla.mcneill@tyndall.af.mil

Randy B. Miller
White Springs Agricultural Chemicals, Inc.
PO Box 300
White Springs, FL 32096
Email: RMiller@pscphosphate.com

Gary A. Davis
James S. Whitlock
Gary A. Davis & Associates
P.O. Box 649
Hot Springs, NC 28743
Phone: (828) 622-0044
Email: gsdavis@enviroattorney.com
jwhitlock@enviroattorney.com

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT
COST RECOVERY CLAUSE

Docket No. 100009-EI
Submitted for Filing: August 18, 2010

**AFFIDAVIT OF JEFF LYASH IN SUPPORT OF PEF'S
TWENTY-FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Jeff Lyash, who being first duly sworn, on oath deposes and says that:

1. My name is Jeff Lyash. 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 Twenty-First Request for Confidential Classification ("The Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am currently employed by Progress Energy, Inc. ("Progress Energy") as the Executive Vice President-Energy Supply. I assumed my current position on June 1, 2010. Prior to this appointment, I was employed by Progress Energy as the Executive Vice President of Corporate Development. I also held the position of President and Chief Executive Officer of PEF from 2006 until July 6, 2009. In this role, I had overall responsibility for the operations of PEF. As the Executive Vice President-Energy Supply for Progress Energy, I still have senior management oversight responsibility for the Levy nuclear power plant project, just as I did as the Executive Vice President of Corporate Development. In terms of this governance and execution oversight role, John Elnitsky continues to report to me as the Executive Sponsor of the Levy Program Performance Review. Also, I remain a member of the Senior Management Committee

("SMC"), which has senior management responsibility for the LNP. I have briefed the SMC and participated in the SMC's decisions with respect to the LNP, and I have briefed the Progress Energy Board regarding the LNP in my current position and in my prior position as Executive Vice President of Corporate Development.

3. PEF is seeking confidential classification of portions of the documents produced in response to Staff's Fourth Request for Production of Documents (Nos. 10-21), specifically numbers 11, 13 and 21. A detailed description of the confidential information at issue is contained in confidential Attachment A to PEF's Request and is outlined in PEF's Justification Matrix that is attached to PEF's Request as Appendix C.

4. The Company is requesting confidential classification of this information because it contains sensitive and confidential information that PEF obtains from third-parties pursuant to contractual subscription agreements that govern the terms of the information's use and distribution. Therefore, disclosure of this information would constitute a breach of these agreements. PEF requires this information to prudently plan its financial operations and access to financial markets. Publication of this information would also harm the Company's competitive business interests by adversely affecting PEF's ability to access this information that the Company requires and relies upon for purposes of financial planning and strategy. If the third-parties that provide this information to PEF are not secure that their proprietary information will not be distributed in violation of their terms of use, they will not provide the information to PEF or may only do so in return for a payment premium.

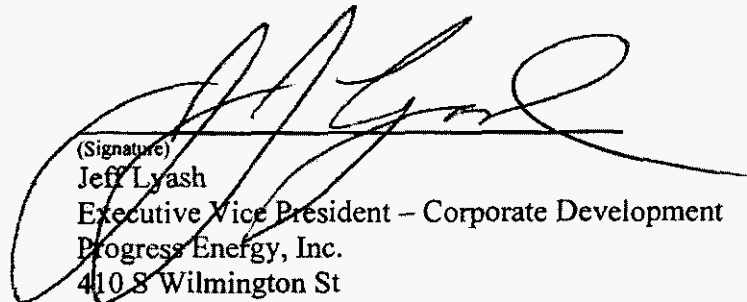
5. PEF must be able to assure these vendors that their proprietary information will be kept confidential. Indeed, as discussed above, the terms of the subscription agreements that govern the use and distribution of this information contain provisions that prohibit the disclosure of the terms of the contract to third parties. .

6. Upon receipt of all this confidential information, and with its own confidential information, strict procedures are established and followed to maintain the confidentiality of the terms of the documents and information provided, including restricting access to those persons who need the information to assist the Company. At no time since negotiating and receiving the contracts and performing the analyses in question has the Company publicly disclosed the information or the terms of the contracts at issue. The Company has treated and continues to treat the information at issue as confidential.

7. This concludes my affidavit.

Further affiant sayeth not.

Dated this 16th day of August, 2010.


(Signature)
Jeff Lyash
Executive Vice President – Corporate Development
Progress Energy, Inc.
410 S Wilmington St
Raleigh, NC 27602-1551

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 16th day of August, 2010 by Jeff Lyash. He is personally known to me, or has produced his n/a driver's license, or his n/a as identification.

Wendy M. Dunn
(Signature)

Wendy M. Dunn
(Printed Name)

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF NC

July 5, 2012
(Commission Expiration Date)

n/a
(Serial Number, If Any)