

RECEIVED-FPSC
11 JUL -5 PM 12:07
COMMISSION
CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost
Recovery Clause

Docket No. 110009-EI
Submitting for filing: July 5, 2011

**AFFIDAVIT OF JOHN ELNITSKY IN SUPPORT OF PROGRESS ENERGY FLORIDA,
INC.'S TWELFTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

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

1. My name is John Elnitsky. I am over the age of 18 years 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 Request for Confidential Classification regarding portions of its responses to the Office of Public Counsel's ("Citizens") Fifth Set of Interrogatories (Nos. 61-177), specifically numbers 66, 90, and 127, and documents produced in response to number 142, and Citizens' Fifth Request for Production of Documents (Nos. 27-36), specifically numbers 27, 28, and 29 (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. As Vice President of New Generation Programs and Projects, I am responsible for the licensing and construction of the Levy Nuclear Project ("LNP"), including the direct management of the Engineering, Procurement, and Construction Agreement ("EPC Agreement") with Westinghouse and Shaw, Stone, & Webster (the "Consortium").

3. PEF is seeking confidential classification of portions of its responses to Citizens' Fifth Set of Interrogatories (Nos. 61-177), specifically numbers 66, 90, and 127, and documents

COM
APA
ECR
GCL
RAD
SSC
ADM
OPC
CLK

19170733.1

DOCUMENT NUMBER-DATE

04594 JUL -5 =

FPSC-COMMISSION CLERK

produced in response to number 142, and Citizens' Fifth Request for Production of Documents (Nos. 27-36), specifically numbers 27, 28, and 29. 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 proprietary and confidential information received from third-party vendors under pursuant to contractual agreements with those vendors. Those agreements contain non-disclosure provisions that limit the use and forbid the dissemination of the information. The disclosure of this would impair the Company's ability to contract on favorable terms, or at all, for such information. The Company requires this information for use in analyzing the continued feasibility of its projects and to aid its management in long-term planning. The Company and its customers would be harmed if PEF were not able to contract for the use of this information on favorable terms.

5. Also included in the responses are presentations and other meeting materials provided to the Company's Senior Management Committee. This material includes proprietary confidential information that is not disseminated outside of Senior Management and other employees who need the information to perform their jobs. The information includes, among other things, risk analyses, analyses of the various options PEF has confronted, as well as confidential contractual terms. Publication of this information would provide PEF's competitors and those that PEF would wish to contract with valuable insight into the Company's strategic planning. Without the Company's measures to maintain the confidentiality of the negotiation process, the Company's efforts to obtain competitive contracts could be undermined to the detriment of PEF and its ratepayers. Furthermore, dissemination of this information in many

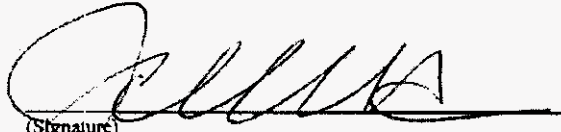
cases would violate contractual confidentiality provisions, most notably the provisions of the LNP EPC Agreement.

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 has the Company publicly disclosed the information at issue. The Company has treated and continues to treat the information at issue as confidential.

7. This concludes my affidavit.

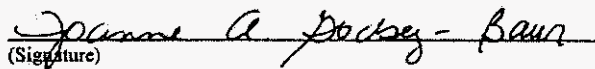
Further affiant sayeth not.

Dated this 20th day of June 2011.


(Signature)

John Elnitsky, Vice President of New Generation Programs and Projects

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 20th day of June, 2011 by John Elnitsky. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification.


(Signature)

Joanne A. Godsey-Baur
(Printed Name)

NOTARY PUBLIC, STATE OF Florida

August 08, 2011
(Commission Expiration Date)

DD 703482
(Serial Number, If Any)

(AFFIX NOTARIAL SEAL)

