

## Dorothy Menasco

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**Sent:** Monday, October 01, 2012 2:36 PM  
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**Subject:** Filing Docket 120009 PEF Notice of filing Verified Affidavit.pdf  
**Attachments:** Docket 120009 PEF Notice of filing Verified Affidavit.pdf



Docket 120009  
PEF Notice of fi..

Docket 120009

In re: Nuclear Cost Recovery Clause

1. Attached for filing and service is Progress Energy Florida, Inc.'s Notice of Filing Verified Affidavit.
2. This document has seven (7) pages.
3. This document is being filed on behalf of Progress Energy Florida, Inc.
4. This document is being filed by

Jeanne Costello on behalf of Blaise N. Gamba CARLTON FIELDS  
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DOCUMENT NUMBER-DATE

06569 OCT-1 2012

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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IN RE: NUCLEAR COST RECOVERY  
CLAUSE

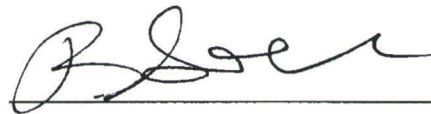
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Docket No. 120009-EI  
Submitted for Filing: October 1, 2012

**PROGRESS ENERGY FLORIDA, INC.'S NOTICE OF FILING VERIFIED AFFIDAVIT**

Progress Energy Florida, Inc. ("PEF"), hereby gives notice of filing the verified Affidavit of John Elnitsky in Support of Progress Energy Florida, Inc.'s Tenth Request for Confidential Classification regarding Progress Energy Florida, Inc.'s Post-Hearing Statement of Issues and Positions and Arguments in Support of its Petition to Recover Costs of the Levy Nuclear Project and Crystal River Unit 3 Uprate Project as Provided in Section 366.93, Florida Statutes, and Rule 25-6.0423, F.A.C.

Respectfully submitted,



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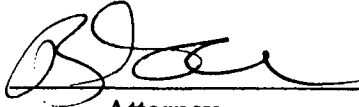
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FPSC-COMMISSION CLERK

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 1st day of October, 2012.

  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery  
Clause

Docket No. 120009-EI  
Submitting for filing: October 1, 2012

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

STATE OF FL

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, Inc. (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 Post-Hearing Statement of Issue and Positions and Arguments in Support of its Petition to Recover Costs (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the Vice President of Project Management and Construction at Duke Energy and have been responsible for the leadership and management of the Levy Nuclear Project ("LNP").

3. PEF is seeking confidential classification of portions of its Post-Hearing Statement of Issues and Positions and Arguments in Support of its Petition to Recover Costs filed with the Florida Public Service Commission ("FPSC" or "Commission") in this docket (the "Post-Hearing Statement"). 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

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Justification Matrix that is attached to the Request as Attachment C. PEF is requesting confidential classification of portions of the Post-Hearing Statement because it contains confidential capital costs related to the LNP, the disclosure of which would impair PEF's competitive business interests and violate PEF's confidentiality agreements with third parties.

4. The Company is requesting confidential classification of this information because portions thereof contain and include proprietary and confidential cost information that would impair PEF's competitive business interests if publicly disclosed. In many instances, the disclosure of this information would violate contractual confidentiality provisions. Specifically, portions of the Post-Hearing Statement contain details regarding PEF's actual and estimated capital costs for the LNP under its Engineering, Procurement & Construction ("EPC") agreement.

5. If this information was disclosed to the public, it could adversely impact PEF's competitive interests. If such information was disclosed to PEF's competitors and/or other potential suppliers, PEF's efforts to obtain competitive nuclear equipment and service options that provide economic value to both the Company and its customers could be compromised by the Company's competitors and/or suppliers changing their offers, consumption, or purchasing behavior within the relevant markets.

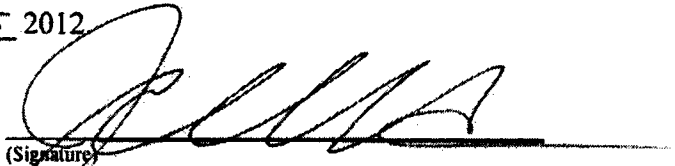
6. PEF must be able to assure these vendors that sensitive business information, such as the terms of their contracts, will be kept confidential. Indeed, as discussed above, the contract at issue contains confidentiality provisions that prohibit the disclosure of the terms of the contract to third parties. If other third parties were made aware of confidential contractual terms that PEF has with other parties, such as pricing arrangements, they may offer less competitive contractual terms in future contractual negotiations. Without the Company's

measures to maintain the confidentiality of sensitive terms in contracts with these nuclear contractors, the Company's efforts to obtain competitive contracts could be undermined to the detriment of PEF and its ratepayers.

7. 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 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. Indeed, the information at issue has previously been produced by the Company in response to various discovery requests during the proceedings in this docket, and at all times the Company has taken the appropriate steps to maintain the confidentiality of this information.

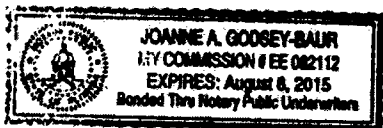
8. This concludes my affidavit.

Dated this 1 day of Oct 2012



(Signature)  
John Elnitsky, Vice President of Project Management  
and Construction

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 1<sup>st</sup> day of October, 2012 by John Elnitsky. He is personally known to me, or has produced his \_\_\_\_\_ driver's license, or his \_\_\_\_\_ as identification.



(AFFIX NOTARIAL SEAL)



(Printed Name)  
Joanne A. Goosey-Baur

NOTARY PUBLIC, STATE OF Florida

August 8, 2015  
(Commission/Expiration Date)  
EE 08212  
(Serial Number, If Any)