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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CLERK

In re: Review of Florida Power Corporation's Earnings, Including Effects of Proposed Acquisition of Florida Power Corporation by Carolina Power & Light

DOCKET NO. 000824-EI

Submitted for Filing: February 25, 2002

FLORIDA POWER CORPORATION'S OBJECTIONS TO STAFF'S EIGHTEENTH SET OF INTERROGATORIES TO FLORIDA POWER CORPORATION

Pursuant to § 350.0611(1), Fla. Stat. (2000), Fla. Admin. Code R. 28-106.206, and Fla. R. Civ. P. 1.340, Florida Power Corporation ("FPC") objects to the Staff of the Florida Public Service Commission's Eighteenth Set of Interrogatories (Nos. 391-395) and states as follows:

FPC notes for the record that Staff's Eighteenth Set of Interrogatories was served out-of-time as it relates to the discovery cut-off established by the Order Establishing Procedure in this matter. However, FPC has agreed as an accommodation to the Commission Staff to respond to these interrogatories on an expedited basis.

GENERAL OBJECTIONS

FPC objects to any interrogatory that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made to these interrogatories or is later determined to be applicable based on the discovery of documents, investigation or analysis. FPC in no way intends to waive any such privilege or protection.

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In certain circumstances, FPC may determine upon investigation and analysis that information responsive to certain interrogatories to which objections are not otherwise asserted are confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to provide such information in response to such interrogatory, FPC is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FPC hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

FPC objects to these interrogatories and any definitions and instructions that purport to expand FPC's obligations under applicable law.

FPC also objects to these interrogatories to the extent they purport to require FPC to prepare information in a particular format or perform calculations not previously prepared or performed as an attempt to expand FPC's obligations under applicable law. Further, FPC objects to these interrogatories to the extent they purport to require FPC to conduct an analysis or create information not prepared by FPC in the normal course of business. FPC will comply with its obligations under the applicable rules of procedure.

FPC incorporates by reference all of the foregoing general objections into each of its specific objections set forth below as though pleaded therein.

In addition, FPC reserves its right to count interrogatories and their sub-parts (as permitted under the applicable rules of procedure) in determining whether it is obligated to respond to additional interrogatories served by any party.

## INTERROGATORIES

391. Identify each proceeding, regulatory or other, in the last five years in which witness Wilson has offered testimony on any topic.
392. Identify each proceeding, regulatory or other, in the last five years in which witness Wilson has offered testimony on the same topic or on a topic similar to the topic on which he is offering testimony in this proceeding.
393. Identify all texts, treatises, textbooks, or other material referred to and/or relied upon by witness Wilson in the course of preparing his testimony in this proceeding.
394. Based on the relative percentage of investor capital (i.e., common equity, preferred stock, long-term debt and short-term debt), what common equity ratio is FPC requesting rates be based on in this proceeding? For purposes of this response, show how your answer reconciles to the MFR D-1 schedule for the December 31, 2002 test year period.
395. Please identify all state regulatory commission orders witness Wilson is aware of where the Commission specifically adjusted the common equity level of the utility to recognize off-balance sheet debt equivalents for purposes of setting rates. For purposes of this response, cite the state, order number, utility, and actual and adjusted equity ratios recognized for rate setting purposes.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of foregoing has been furnished via hand delivery  
(where indicated by \*) and via U.S. Mail to the following this 25<sup>th</sup> day of February, 2002.

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