

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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: November 9, 2001

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FLORIDA POWER CORPORATION'S OBJECTIONS TO CITIZENS' FIFTH SET OF INTERROGATORIES TO FPC

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") objections to Florida's Citizens ("Citizens"), Fifth Set of Interrogatories and states as follows:

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.

In certain circumstances, FPC may determine upon investigation and analysis that information responsive to certain interrogatories to which objections are not otherwise asserted

APP are confidential and proprietary and should be produced only under an appropriate
CAF
CMP
COM confidentiality agreement and protective order, if at all. By agreeing to provide such information
CTR
FCR
LEG in response to such interrogatory, FPC is not waiving its right to insist upon appropriate
OPC
PAI protection of confidentiality by means of a confidentiality agreement and protective order. FPC
RGO
SEC
SER
OTH

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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 objects to these interrogatories to the extent they are intended to require any expert/consultant retained by FPC in connection with this proceeding to provide a response, except those interrogatories that are expressly permitted to be directed at an expert/consultant as set forth in Florida Rule of Civil Procedure 1.280(b)(4). Rule 1.340 permits interrogatories to be directed only to parties, and FPC is not obligated to have experts/consultants respond to interrogatories other than those limited interrogatories that are specifically authorized as stated above. However, in the spirit of cooperation, FPC will agree at this point to have its testifying experts/consultants provide responses to this set of interrogatories, but preserves its right to refuse to continue to do so at any point should it so choose. FPC in no way intends to waive this objection.

FPC objects to the interrogatories to the extent they purport to require FPC to provide responses on behalf of Florida Progress Corporation, Progress Energy, Inc., Progress Energy Service Company, LLC. FPC does not have an obligation under the rules to respond to interrogatories on behalf of these companies, but FPC agrees to do so in any event to expedite discovery, to the extent such interrogatory responses are relevant to the issues in this case. FPC reserves the right to decline to respond to any interrogatories that are not pertinent to the issues in the case.

FPC also objects to these interrogatories to the extent they purport to require FPC to prepare information or perform calculations not previously prepared or performed as an attempt to expand FPC's obligations under applicable law. 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.

SPECIFIC OBJECTIONS

Instructions

FPC objects to the first instruction (1) to the extent it purports to expand FPC's obligations under applicable law. FPC will comply with its obligations under applicable rules of procedure.

Interrogatories

102. This question relates to page 10 of a document entitled "Summary for Analysts June 2001" produced in response to document request #11 of Citizens' first set of requests for production of documents. Please describe the source and all assumptions underlying the dollar figures for the items on this page. Please also describe in detail what the term "FPC other" means and state in detail why the sign of the figure associated with "FPC other" is different than the sign associated with the other figures.

FPC objects to interrogatory 102 as compound and reserves its right to count this interrogatory as three (2) separate interrogatories for the purposes of determining its

obligation to continue to provide responses under the order governing procedure in this case.

- 103. For Florida Power Corporation provide a schedule for each month of the years 2000, 2001, and 2002 showing the total number of employees, separately showing the employee counts by management and non-management. In addition show the salary amounts for the management and non-management groupings. Please also indicate for each grouping the dollar amount of salary that was or will be capitalized. Please use actual numbers where available; otherwise please use your most recent forecasted data. Please also show the forecasted data for 2003, but for 2003 please only provide data for the year in total rather than on a month by month basis.**

FPC objects to this interrogatory inappropriate and unduly burdensome to the extent it requests FPC to develop categorical information not currently utilized by FPC. Specifically, FPC does not have information responsive to this interrogatory for “management and non-management groupings.” FPC also objects to interrogatory 97 as compound and reserves its right to count this interrogatory as two (2) separate interrogatories for the purposes of determining its obligation to continue to provide responses under the order governing procedure in this case.

- 104. For Progress Energy, Inc. and each of its subsidiaries or affiliates (excluding Florida Power Corporation) provide a schedule showing for each month of the years 2000, 2001, and 2002 the total number of employees, the related total salary amounts and the dollar amount of salary that was or will be capitalized. Please also provide this data for the year 2003.**

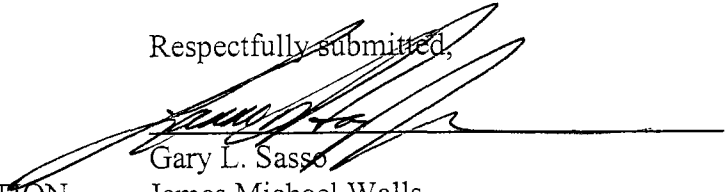
FPC objects to this interrogatory as irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

105. For Florida Power Corporation provide a schedule setting forth a descriptive listing of the profit or responsibility centers effective during the years 2000, 2001, and 2002. For each center identify the person in charge of the center and the number of personal, describe the location or territory of the center, describe the type of center (such as accounting, executive, operations, maintenance, income tax section, property tax section, repair, budgeting, forecasting, and etc.), and describe the budgets or budget variance reports the center uses to measure or run its day to day, quarterly or yearly operations.

FPC objects to this interrogatory's requirement that it prepare a schedule that does not otherwise prepare in the normal course of its business. FPC further objects to this interrogatory as overbroad and unduly burdensome as there are over 300 locations. Without waiving these objections, FPC believes that its production of documents in response to production request 107 will substantially meet the requirements of this interrogatory. FPC also objects to interrogatory 105 as compound and reserves its right to count this interrogatory as four (4) separate interrogatories for the purposes of determining its obligation to continue to provide responses under the order governing procedure in this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished via U.S. Mail to the following this 9TH day of November, 2001.

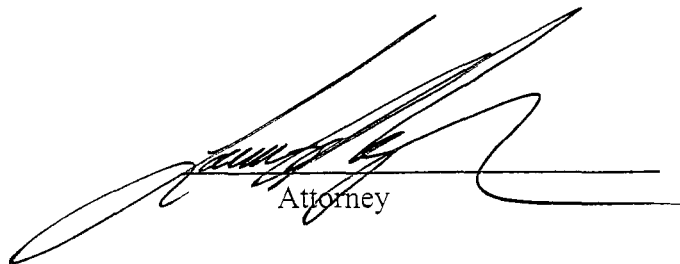
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