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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Submitted for Filing:
December 20, 2001

FLORIDA POWER CORPORATION'S OBJECTIONS TO CITIZENS' TENTH REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA POWER CORPORATION

Pursuant to § 350.0611(1), Fla. Stat. (2000), Fla. Admin. Code R. 28-106.206, and Fla. R. Civ. P.1.350, Florida Power Corporation ("FPC") objects to Florida's Citizens ("Citizens") Tenth Request for Production of Documents (Nos. 124-133) and states as follows:

GENERAL OBJECTIONS

FPC objects to any request that calls for the production of documents 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 requests 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 documents

that respond to certain requests 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 produce documents in response to this request, FPC is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality

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

FPC objects to any request that requires the production of "all" or "each" as it cannot give assurances, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be found. Indeed, it may well be impossible to assure compliance with the exercise of reasonable diligence.

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

Moreover, to the extent documents responsive to the requests have been previously produced, FPC will not be reproducing these documents but will attempt to make appropriate cross-references between and amongst the various requests.

SPECIFIC OBJECTIONS

Definitions

FPC objects to the definition of "FPC", "you", "your" or the "Company" as including Florida Progress Corporation, Progress Energy, Inc., and Progress Energy Service Company, LLC. FPC does not have an obligation under the rules to produce materials in the hands of these companies, but FPC agrees to do so in any event to expedite discovery, to the extent such documents are relevant to the issues in this case. FPC reserves the right to decline to produce any materials that are not pertinent to the issues in the case. FPC further objects to the definition of "FPC", "you", "your" or the "Company" to the extent it includes third parties whose

documents are not within its possession, custody, or control.

FPC objects to the definition of the term “management” or “manager” as overbroad and ambiguous. FPC will attribute the usual and customary meaning of this word to its use in these requests.

Instructions

FPC objects to the instructions calling upon FPC to provide designated information regarding any documents withheld from production to the extent it purports to expand FPC’s obligations. FPC will comply with its obligations under applicable rules of procedure.

FPC objects to the instruction to produce “originals” to the extent it purports to expand FPC’s obligations under the Uniform Rules and Florida Rule of Civil Procedure 1.350. FPC will comply with all applicable rules.

DOCUMENTS REQUESTED

124. For purposes of this request please refer to the Company’s response to OPC POD

79.

- (a) Please provide the workpapers supporting page 1 of the documents produced in response to this POD.**
- (b) Please provide the workpapers showing how the amounts shown on pages 2 through 7 were developed.**
- (c) Please provide all invoices from Progress Telecom to FPC from January 2000 to November 2001.**

125. For purposes of this request please refer to Myers Testimony, p. 28, where he states: “In fact, based on our projection of net synergies, we are prepared to guarantee that Florida Power’s customers will receive an annual rate credit of \$5 million for a period of 15 years, totaling \$75 million, representing 50 percent of expected net synergies.”

Please provide all documents in your possession, custody or control which show how these amounts were calculated. Include in this response all electronic files, all source documents, and all workpapers.

- 126. Please provide invoices from all affiliates of FPC that provide it services or products from January 2000 through 2001.**
- 127. Please provide invoices from FPC to all affiliates that FPC provides services or products to from January 2000 through 2001.**
- 128. For purposes of this request please refer to the Company's response to OPC POD 73.**
 - (a) Provide the workpapers that show how the allocation rate appearing on the second half of the page shown on page 001747 was calculated.**
 - (b) Please explain any differences between the itemized allocation rates appearing on 001747.**
- 129. Please provide an income statement and balance sheet for each Tier 1 subsidiary of the Progress Energy for each of the years 2000, and the third quarter ending 2001, a budgeted income statement and balance sheet for the year ending 2001 and 2002.**
- 130. Please provide the log of corporate aircraft use for the year ending 2000.**

FPC objects to this request as irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. No expenses for corporate aircraft are included in the 2002 test year.

- 131. For purposes of this request, please refer to Bazemore's Appendix C and E.**
 - (a) Please provide document(s) similar to the ones contained in Appendix C and E, but that are consistent with the amount of charges from Progress Energy Services included in the 2001 and 2002 test years.**
 - (b) Provide workpapers that support the allocation factors produced in response to (a).**

(c) Please provide the source documents used to develop the allocation factors.

133. For purposes of this request, please refer to Bazemore's Appendix E. Please provide the source documents used to develop the allocation factors.

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 20th day of December, 2001.

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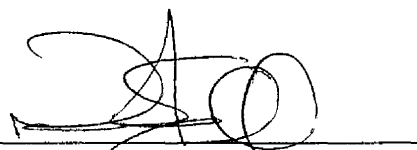
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