

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**

COMMISSION CLERK  
DOCKET NO. 000824-ET  
Submitted for Filing:  
January 28, 2002

**FLORIDA POWER CORPORATION'S  
OBJECTIONS TO PUBLIX SUPER MARKETS, INC.'s THIRD 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 Publix Super Market, Inc. ("Publix") Third Set of Interrogatories (Nos. 47-50) 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 are confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC
- OTH \_\_\_\_\_

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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 or analyses not previously prepared or performed as an attempt to expand FPC's obligations under applicable law. FPC will comply with its obligations under applicable law and 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**

#### **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. Pursuant to rule 1.340, interrogatories may only be directed to parties. In order to expedite discovery, however, FPC agrees to provide responsive

information in the hands of these companies, to the extent such information is relevant to the issues in this case. FPC reserves the right to decline to provide any information that are not pertinent to the issues in the case.

### **INTERROGATORIES**

- 47. Please identify the amounts which FPC has spent over the last five years for the following activities:**
- a. Opposing merchant power plant siting and development in the State of Florida.**
  - b. Lobbying for legislative changes in Florida law relative to the siting and development of merchant power plants in the State of Florida.**
  - c. Participating in appellate proceedings on an Amicus Curie basis.**
  - d. Public relations and advertising of any type.**
  - e. Political Action Committees.**

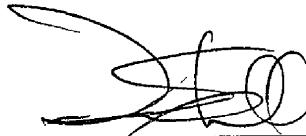
FPC objects to this interrogatory and all sub-parts excluding sub-part (d) as irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Such amounts are not reflected in the test year and are not included in rate base.

- 48. For each of the amounts listed in your answer to Interrogatory 48, please indicate if these amounts are recovered or proposed to be recovered in FPC electric rates approved or authorized by the Florida Public Service Commission.**

FPC objects to this interrogatory and all sub-parts excluding sub-part(d) as irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Such amounts are not reflected in the test year and are not included in rate base.

49. Please identify each witness who has or will offer testimony on behalf of FPC in this proceeding.
50. With respect to each witness identified in your response to interrogatory number 49 above that has not already filed testimony in this docket to date, state the following:
- a. The witness's business address.
  - b. The witness's qualifications.
  - c. The scope of the witness's employment in the pending matter
  - d. The witness's general litigation experience, including the percentage of work performed for regulatory bodies or public counsel.
  - e. Identify each proceeding, regulatory or other, in the last five years in which the witness has offered testimony on any topic.
  - f. Identify each proceeding, regulatory or other, in the last five years in which the witness has offered testimony on the same topic or on a topic similar to the topic on which the witness is offering testimony in this proceeding.
  - g. Identify all texts, treaties, textbooks, or other materials referred to and/or relied upon by the witness in the course of preparing his/her testimony in this proceeding.
  - h. Identify all documents, electronic files, texts, books, treatises, or other materials or information reviewed by the witness, whether or not referred to or relied on, in the course of preparing his/her testimony in this proceedings.

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 on January 28, 2002.

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