

TOM LEE  
President



Harold McLean  
Public Counsel

**ORIGINAL**  
**STATE OF FLORIDA**  
**OFFICE OF PUBLIC COUNSEL**

c/o THE FLORIDA LEGISLATURE  
111 WEST MADISON ST.  
ROOM 812  
TALLAHASSEE, FLORIDA 32399-1400  
850-488-9330

ALLAN BENSE  
Speaker



November 23, 2004

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

RECEIVED - FPSC  
NOV 23 PM 3:24  
COMMISSION  
CLERK

RE: Docket No. 040001-EI, In Re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of the Office of Public Counsel's Second Request for Production of Documents to Progress Energy Florida (No.5-7) for filing in the above referenced docket.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Patricia A. Christensen  
Associate Public Counsel

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- NCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SEC   1
- OTH \_\_\_\_\_

PC/pwd  
Enclosures

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER DATE

12554 NOV 23 04

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power )  
cost recovery clause with )  
generating performance incentive )  
factor. )  
\_\_\_\_\_ )

DOCKET NO. 040001-EI  
FILED: November 23, 2004

**CITIZENS' SECOND SET OF  
REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 5-7)  
TO PROGRESS ENERGY FLORIDA**

Please take notice that the Citizens served the original and one copy of its Requests for Production of Documents (Nos. 5-7) to Progress Energy Florida (Progress) on November 23, 2004.

The documents are to be served on the Citizens at the Office of Public Counsel, c/o the Florida Legislature, 111 West Madison Street, Claude Pepper Building, Room 812, Tallahassee, Florida 32399-1400. Copies are to be served on all parties in accordance with applicable Rules of Civil Procedure.

**DEFINITIONS**

As used herein, in word "documents" shall mean the original and any non-identical copies of any writing or record, including but not limited to a book, pamphlet, periodical, letter, memorandum, telegram, report, study, interoffice or intra-office, handwritten or other notes, working papers, draft, application, permit, chart, paper, graph, survey, index, tape, disc, data sheet or data processing card, computer printout, or any other written, recorded, transcribed, filed or graphic matter, however produced or reproduced.

PRODUCTION OF DOCUMENTS REQUESTS

5. Please provide copies of all responses to Interrogatories requests Nos. 1-9 served by Florida Industrial Power Users Group's (FIPUG) on the company.
  
6. Please provide copies of all responses to Production of Document requests Nos. 1-2 served by FIPUG the on the company.
  
7. Please provide copies of all responses to Production of Document requests Nos. 8-10 served by Commission staff on the company.

Respectfully submitted,



Patricia A. Christensen  
Florida Bar No. 0989789  
Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(850) 488-9330

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Mail on this 23rd day of November, 2004, to the following:

James Beasley  
Lee Willis  
Ausley Law Firm  
Post Office Box 391  
Tallahassee, FL 32302

John McWhirter, Jr.  
McWhirter Reeves Law Firm  
400 North Tampa Street, Suite 2450  
Tampa, FL 33602

Bill Walker  
Florida Power & Light  
215 South Monroe Street, Suite 818  
Tallahassee, FL 32301-1859

R. Wade Litchfield  
Florida Power & Light  
700 Universe Boulevard  
Juno Beach, FL 33408-0420

James A. McGee  
Florida Progress Energy  
Post Office Box 14042  
St. Petersburg, FL 33733-4042

John T. English/George Bachman  
Florida Public Utilities Company  
Post Office Box 3395  
West Palm Beach, FL 33402-3395

Susan D. Ritenour  
Richard McMillan  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

Joseph McGlothlin  
Vicki Gordon Kaufman  
McWhirter Law Firm  
117 South Gadsden Street  
Tallahassee, FL 32301

Norman H. Horton, Jr.  
Messer Law Firm  
Post Office Box 1876  
Tallahassee, FL 32302-1876

John T. Butler, P.A.  
Steel Law Firm  
200 S. Biscayne Boulevard, Suite 4000  
Miami, FL 33131-2398

Angela Llewellyn  
Tampa Electric Company  
Post Office Box 111  
Tampa, FL 33601-0111

Joe Regnery, Esq.  
Island Center  
2701 N. Rocky Point Drive, Suite 1200  
Tampa, FL 3307

Cochran Keating  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Moyle Law Firm  
Jon C. Moyle/Bill Hollimon  
118 N. Gadsden Street  
Tallahassee, FL 32301

Powers Systems Mfg., LLC  
1440 W. Indiantown Road, Suite 200  
Jupiter, FL 33458

Thomas K. Churbuck  
911 Tamarind Way  
Boca Raton, FL 33486

Ms. Bonnie E. Davis  
106 East College Ave, Suite 800  
Tallahassee, FL 32301-7740

A handwritten signature in black ink, appearing to read 'Patricia A. Christensen', with a long horizontal flourish extending to the right.

Patricia A. Christensen  
Associate Public Counsel