

**Kay Flynn**

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**Sent:** Monday, November 29, 2004 4:56 PM  
**To:** Filings@psc.state.fl.us  
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**Subject:** Docket No. 041272-EI-E-mail for Filing-Progress Energy Florida, Inc.

**ORIGINAL**

Please find attached for electronic filing the three attachments below containing PEF's clarifications regarding pending discovery requests in this matter. Thank you for your assistance in this regard.

<<PEF's Clarifications regarding FIPUG.pdf>> <<PEF's clarifications regarding OPC.pdf>>  
 <<PEF's Clarifications regarding Staff.pdf>>

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

11/29/2004

FIPUG	OPC	Staff
DOCUMENT NUMBER-DATE	DOCUMENT NUMBER-DATE	DOCUMENT NUMBER-DATE
12649 NOV 29 3	12650 NOV 29 3	12651 NOV 29 3
FPSC-COMMISSION CLERK	FPSC-COMMISSION CLERK	FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Progress Energy Florida, Inc.'s )  
petition for approval of storm cost ) Docket No.: 041272  
recovery clause for extraordinary )  
expenditures related to Hurricanes )  
Charley, Frances, Jeanne, and Ivan. ) Submitted for Filing: November 29, 2004  
)

**PROGRESS ENERGY FLORIDA INC.'S CLARIFICATIONS REGARDING  
FLORIDA INDUSTRIAL POWER USERS GROUP'S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS (NO. 1)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.350 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure issued November 18, 2004, Progress Energy Florida, Inc. ("PEF") hereby provides its clarifications regarding the Florida Industrial Power Users Group's ("FIPUG") First Request for Production (No. 1) and states as follows:

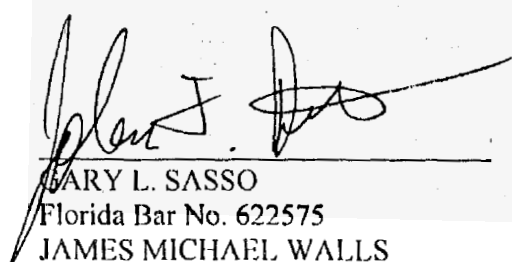
**GENERAL CLARIFICATIONS**

Regarding the "Time and Place of Production" requirement in FIPUG's First Request for Production of Documents, PEF will make all responsive documents available for inspection and copying at the offices of Carlton Fields, P.A., 215 S. Monroe Street, Suite 500, Tallahassee, Florida, 32301 at a mutually-convenient time or, upon request from FIPUG, will provide copies of responsive documents and materials by U.S. Mail, overnight mail, or will produce the documents in some other manner or at some other place that is mutually convenient to both PEF and FIPUG for purposes of inspection, copying, or handling of the responsive documents.

With respect to the "Instructions" section in FIPUG's First Request for Production of Documents (No. 1), PEF notes that some of those instructions are inconsistent with PEF's discovery obligations under the applicable Rules of Civil Procedure. If some question arises as to PEF's discovery obligations, PEF will comply with the applicable rules of civil procedure.

Establishing Procedure. PEF provides these general clarifications at this time to comply with the intent of the Order Establishing Procedure to reduce the delay in identifying and resolving any potential discovery disputes.

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Progress Energy Florida

Docket No. 041272-EI

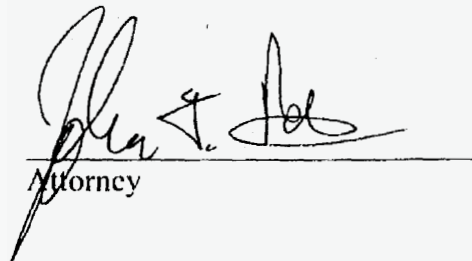
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following individuals by electronic mail and regular U.S. Mail the 29<sup>th</sup> day of November, 2004.

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