

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of storm cost recovery clause for recovery of extraordinary expenditures related to Hurricanes Charley, Frances, Jeanne, and Ivan, by Progress Energy Florida, Inc.

DOCKET NO. 041272-E1

Submitted for filing: December 7, 2004

PROGRESS ENERGY FLORIDA, INC.'S RESPONSE TO THE FLORIDA INDUSTRIAL POWER USERS GROUP'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO PROGRESS ENERGY FLORIDA, INC. (NO. 1)

Progress Energy Florida, Inc., by and through its undersigned counsel, hereby serves its response to the Florida Industrial Power Users Group's ("FIPUG") First Request for Production of Documents (No. 1), as follows:

GENERAL RESPONSES

As stated in PEF's previously-filed Clarifications Regarding FIPUG's First Request for Production of Documents (No. 1), 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 objects to any attempt by FIPUG to dictate what PEF's discovery obligations are, by instructions or otherwise. If some question arises as to PEF's discovery obligations, PEF will resolve any such question in compliance with the applicable rules of civil

procedure without reference to any of FIPUG's "instructions" to the contrary. Additionally, PEF objects to FIPUG's "Instruction No. 2" to the extent that FIPUG is attempting to seek documents protected by the attorney-client and/or work product privileges from PEF's attorneys.

Additionally, PEF generally objects to FIPUG's discovery request to the extent that it calls for documents or 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. PEF will provide a privilege log in accordance with the applicable law to the extent, if at all, that any document request calls for the production of privileged or protected documents.

Further, in certain circumstances, PEF may determine upon investigation and analysis that information responsive to certain document 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 provide such information in response to such a document request, PEF is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement, protective order, or the procedures otherwise provided by law or in the Order Establishing Procedure. PEF 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, the Order Establishing Procedure, and all other applicable statutes, rules and legal principles.

With respect to responsive documents and information that have been identified as confidential, PEF notes that it has entered into a Confidentiality Agreement with FIPUG regarding such documents and information, and any such confidential documents or information produced to FIPUG are subject to the protections set forth in that Agreement.

Finally, documents and information responsive to FIPUG's First Request for Production of Documents (No. 1) will be produced in paper form where such documents are kept and maintained by PEF only in paper form. Where responsive documents and information are available in both paper and electronic form, PEF will make such responsive documents and information available in paper form in response to FIPUG's First Request for Production of Documents (No. 1), but will make electronic copies of any such documents available to FIPUG upon request.

SPECIFIC RESPONSES TO REQUESTS FOR PRODUCTION

1. Provide a copy of all documents produced in response to Public Counsel's First Request for Production of Documents to PEF (Nos. 1-11) in this docket.

Response:

PEF provides responses to FIPUG's Request No. 1 above in like-numbered paragraphs from OPC's First Request for Production of Documents (Nos. 1-11):

1. Please provide all work papers and documents used to develop Progress Energy Florida's estimates for storm recovery in this docket.

Response:

Responsive documents are included in Bates ranges PEF-SR-00157 through PEF-SR-00317.

2. Please provide a copy of all presentations made to Progress Energy Florida officers and senior executives relating to the recovery of 2004 storm related damages.

Response:

PEF has no such documents in its possession, custody, or control.

3. Please provide copies of all forecasts produced by the company that relate to the recovery of 2004 storm related damages.

Response:

Responsive documents are included in Bates ranges PEF-SR-00318 through PEF-SR-00327.

4. Please provide a copy of all Progress Energy Florida, Florida operations budgets for 2004 and 2005 as they existed on April 30, 2005 (sic). (provide budgets separately for each operating entity i.e. generation, transmission and distribution maintenance, construction, customer service, etc.).

Response:

Responsive documents are included in Bates ranges PEF-SR-00328 through PEF-SR-00652. PEF notes that portions of these documents have been designated as Confidential. PEF has filed a motion for temporary protective order pursuant to Rule 25-22.066 (6), F.A.C., and the confidential portions of the responsive documents are subject to the protections afforded in Rule 25-22.066(6), F.A.C., and subject to the Confidentiality Agreement between PEF and FIPUG regarding this matter.

5. Please provide a copy of all monthly budget actual and variances for year 2004 for the operational entities specified in #4 preceding.

Response:

Responsive documents are included in Bates ranges PEF-SR-00370 through PEF-SR-01817. PEF notes that portions of these documents have been designated as Confidential. PEF has filed a motion for temporary protective order pursuant to Rule 25-22.066 (6), F.A.C., and the confidential portions of the responsive documents are subject to the protections afforded in Rule 25-22.066(6), F.A.C., and subject to the Confidentiality Agreement between PEF and FIPUG regarding this matter.

6. Please provide a copy of all work orders and projects exceeding \$100,000 that are incomplete as of November 1, 2004.

Response:

Responsive documents are included in Bates ranges PEF-SR-01818 through PEF-SR-01823.

7. Please provide the company's operational business plans for generation, transmission and distribution, construction and customer services organizations for 2004 and 2005. For 2005, if those plans are not complete, provide the latest drafts of such plans.

Response:

Responsive documents are included in Bates ranges PEF-SR-01824 through PEF-SR-01869 and PEF-SR-02166 through PEF-SR-02194. PEF notes that portions of these documents have been designated as Confidential. PEF has filed a motion for temporary protective order pursuant to Rule 25-22.066 (6), F.A.C., and the confidential portions of the responsive documents are subject to the protections afforded in Rule 25-22.066(6), F.A.C., and subject to the Confidentiality Agreement between PEF and FIPUG regarding this matter.

8. Please provide a copy or a description of all insurance policies the company has that cover storm damages and provide copies of all claims filed in 2004 for the recovery of storm losses.

Response:

Responsive documents are included in Bates ranges PEF-SR-01870 through PEF-SR-02066.

9. Please provide a copy of the company's executive instructions or practices that apply to the financial charging and booking of storms related expenses.

Response:

Responsive documents are included in Bates ranges PEF-SR-02067 through PEF-SR-02165.

10. Please provide a copy of the company's executive instructions and practices relating to the booking of casualty losses.

Response:

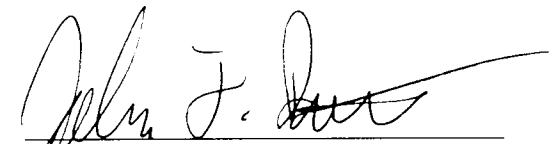
PEF has no such documents in its possession, custody, or control.

11. Please provide all documents dealing with the actual or projected impacts that storm related casualty losses are expected to have on the company's depreciation report for the year 2004.

Response:

PEF has no such documents in its possession, custody, or control.

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Progress Energy Florida

Docket No. 041272-EI

CERTIFICATE OF SERVICE

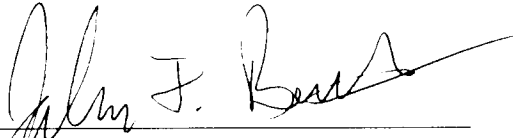
I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following individuals by electronic mail and regular U.S. Mail the 7th day of December, 2004.

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