

TOM LEE
President



Harold McLean
Public Counsel

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



December 22, 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

RE: Progress Energy Florida, Inc.'s petition for approval of storm cost recovery clause for extraordinary expenditures related to Hurricanes Charley, Frances, Jeanne, and Ivan – FPSC Docket No. 041272-EI

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 Notice of Service of its Second Request for Production of Documents to Progress Energy Florida (Nos. 12-21) 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,

A handwritten signature in black ink that reads "Joe McGlothlin".

Joseph A. McGlothlin
Associate Public Counsel

JM/pwd
Enclosures

DOCUMENT NUMBER-DATE
13421 DEC 22 04
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 041272-EI

Filed: December 22, 2004

**NOTICE OF SERVICE OF THE OFFICE OF PUBLIC COUNSEL'S SECOND
REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 12- 21) TO
PROGRESS ENERGY FLORIDA**

The Office of Public Counsel files notice that it has served its Second Request to Produce Documents (Nos. 12-21) to Progress Energy Florida, Inc. by hand delivery and U.S. Mail to: James A. McGee, Progress Energy Florida, Inc., 100 Central Avenue, Suite CXID, St. Petersburg, FL 33701, on this 22nd day of December 2004.


Joseph A. McGlothlin
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
(850) 488-9330 (telephone)
(850) 488-4491 (fax)
McGlothlin.Joseph@leg.state.fl.us

Attorney for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Notice of Service of the Office of Public Counsel's Second Request for Production of Documents (Nos.12-21) to Progress Energy Florida has been furnished by hand delivery and U.S. Mail on this 22nd day of December, 2004, to the following:


James McGee
Progress Energy Service Company
100 Central Avenue
St. Petersburg, Florida 33701-3324

Vicki G. Kaufman
McWhirter, Reeves Law Firm
117 South Gadsden Street
Tallahassee, FL 32301

Jennifer Brubaker
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Timothy J. Perry
McWhirter, Reeves Law Firm
117 South Gadsden Street
Tallahassee, FL 32301

John W. McWhirter, Jr. Esq.
McWhirter, Reeves Law Firm
Attorneys for FIPUG
P. O. Box 3350
Tampa, FL 33602



Joseph A. McGlothlin, Esquire
Associate Public Counsel

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Progress Energy Florida, Inc.'s) Docket No. 041272-EI
petition for approval of storm cost)
recovery clause for extraordinary) Filed: December 22, 2004
expenditures related to Hurricanes)
Charley, Frances, Jeanne, and Ivan)

**OFFICE OF PUBLIC COUNSEL'S SECOND REQUEST FOR PRODUCTION OF
DOCUMENTS TO PROGRESS ENERGY FLORIDA (Nos. 12- 21)**

Pursuant to § 350.0611(1), Florida Statutes (2002), Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedures, Citizens hereby request Progress Energy Florida to produce the following documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, on or before January 11, 2005, or at such other time and place as may be mutually agreed upon by counsel.

DEFINITIONS

1. The terms "document" or "documents" are meant to have the broadest possible meaning under applicable law and includes, but is not necessarily limited to, any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, e-mail, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements,

notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.

2. The term "referring or relating to" means any oral, graphic, demonstrative, telephonic, verbal, electronic (including e-mail), written or other conveyance of information, including but not limited to conversations, telecommunications, and documents.

3. As used herein the terms "you," "your," and "company" refer to Progress Energy Florida, together with the officers, employees, consultants, agents, representatives, and attorneys of Progress Energy Florida, as well as any other person or entity acting on behalf of Progress Energy Florida.

4. Words in the past tense include the present, and words in the present tense include the past. Use of the singular includes the plural, and use of the masculine includes the feminine where appropriate, and vice versa.

INSTRUCTIONS

1. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which privilege is claimed, together with the following

information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.

2. These discovery requests are to be answered with reference to all information in your possession, custody or control, or reasonably available to you.

3. If Progress Energy Florida has possession, custody, or control of the originals of the documents requested, please produce the originals or a complete copy of the originals and all copies which are different in any way from the original, whether by interlineation, receipt stamp or notation. If Progress Energy Florida does not have possession, custody, or control of the originals of the documents requested, please produce any copies in the possession, custody, or control, however made, of Progress Energy Florida.

4. Please construe "and" as well as "or" either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be construed to be outside the scope.

5. This request does not require Progress Energy Florida to produce again documents that Progress Energy Florida has already produced to Office of Public Counsel. If a document has already been produced, please identify the document, state the date on which it was produced and the item to which it responded.

DOCUMENTS REQUESTED

12. Please provide copies of all documents produced in response to the Florida Industrial Power Users Group's ("FIPUG") Third Request for Production of Documents to Progress Energy Florida, Inc., Item nos. 3 through 14, inclusive, which FIPUG served on December 7, 2004.

13. Please provide copies of all documents produced in response to Staff's First Request for Production of Documents to Progress Energy Florida, Inc., item nos. 1 through 10, inclusive, which Staff served on November 18, 2004.

14. Please provide any and all internal studies and correspondence concerning the Company's implementation of FASB Statement No. 143, and FERC Order No. 631 in Docket No. RM-02-7-000.

15. Please provide complete copies of all correspondence with the following parties regarding the Company's implementation of FASB Statement No. 143, and FERC Order 631 in Docket No. RM02-7-000:

- a. External auditors and other public accounting firms.
- b. Consultants
- c. Federal and State regulatory agencies

d. Internal Revenue Service

16. Please provide complete copies of all Board of Directors' minutes and minutes of internal management meetings during the past five years in which any or all of the following subjects were discussed: the Company's electric plant depreciation rates; retirement unit costs; SFAS No. 143; and, FERC RM02-7-000.

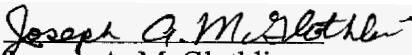
17. If not provided elsewhere, please provide all workpapers supporting the calculation of the \$2,169 million of removal, decommissioning and dismantlement costs included in regulatory liabilities at December 31, 2003, including the \$1,897 million of removal costs, \$129 million of removal costs for non-irradiated areas at nuclear facilities and \$143 million in fossil generation dismantlement costs, as discussed on page 63 of the 2003 Annual Report. Include workpapers supporting all related tax effects. Also, please provide updated calculations as of September 30, 2004. Please provide these workpapers and calculations in electronic format (Excel) with all formulae intact.

18. Please provide all workpapers supporting the calculation of the \$2,940 million of removal costs at December 31, 2002, including the \$1,790 million of removal costs, \$1,008 million of decommissioning costs for nuclear facilities and \$142 million in fossil generation dismantlement costs, as discussed on page 63 of the 2003 Annual Report. Include workpapers supporting all related tax effects. Please provide these workpapers and calculations in electronic format (Excel) with all formulae intact.

19. Please provide a copy of all documents forwarded to departmental senior managers, other executives or officers relating to the recovery of storm expenses originated after August 1, 2004 to date.

20. Please provide an update of Item 5 of OPC's First Request for Production Documents, relating to documents that are sent to higher management regarding the monthly budget actuals and variances, to date for 2004.

21. Please provide a copy of all individual work orders and projects included in the storm recovery expenses that exceed \$100,000 each and that are incomplete as of December 31, 2004. Include the project number, name of the project, amount of the project, location of the project and a description of the work required.


Joseph A. McGlothlin
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Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
Room 812, 111 W. Madison Street
Tallahassee, Florida, 32399-1400
(850) 488-9330

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