

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchase Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor )

Docket No. 060001-EI

Filed: August 16, 2006

**PEF'S OBJECTIONS TO OPC'S EIGHTH SET OF  
INTERROGATORIES (NOS. 49-52)**

Pursuant to Fla. Admin. Code R. 28-106.206 and Rule 1.340 of the Florida Rules of Civil Procedure, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Office of Public Counsel's ("OPC") Eighth Set of Interrogatories to PEF, Nos. 49-52, and states as follows:

**GENERAL OBJECTIONS**

With respect to the "Definitions" and "Instructions" in OPC's Eighth Set of Interrogatories, PEF objects to any definitions or instructions that are inconsistent with PEF's discovery obligations under applicable rules. If some question arises as to PEF's discovery obligations, PEF will comply with applicable rules and not with any of OPC's definitions or instructions that are inconsistent with those rules. Furthermore, PEF objects to any interrogatory that calls for PEF to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

PEF objects to OPC's definition "(i)" given that it includes "affiliates" in the definitions of "PEF" and "Progress Fuels." PEF objects to any definition or interrogatory

that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

Additionally, PEF generally objects to OPC's interrogatories to the extent that they call for data 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.

Finally, PEF objects to any attempt by OPC to evade any numerical limitations set on interrogatories by asking multiple independent questions within single individual questions and subparts. By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to OPC's discovery at the time PEF's response is due.

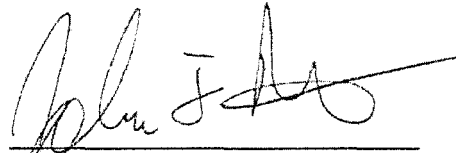
#### **SPECIFIC OBJECTIONS**

**Interrogatory 49:** PEF objects to Interrogatory 49, in part, as irrelevant, overbroad, and not likely to lead to the discovery of admissible evidence. Specifically, PEF objects to the information requested for any years prior to 2005 since such information has no relevance to or bearing on this proceeding. Subject to and without waiving these objections or any of PEF's general objections, PEF will produce any such information for 2005 and 2006.

**Interrogatory 50:** PEF objects to Interrogatory 50, in part, as irrelevant, overbroad, and not likely to lead to the discovery of admissible evidence. PEF objects to the information requested for any years prior to 2005 since such information has no relevance to or bearing on this proceeding. Subject to and without waiving these

objections or any of PEF's general objections, PEF will produce any such information for 2005 and 2006.

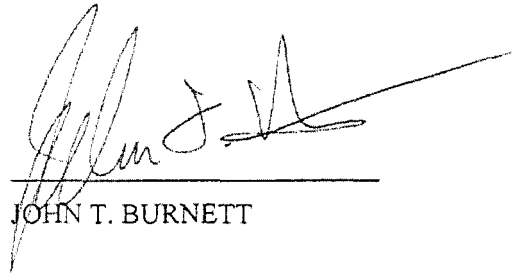
**Interrogatory 51:** PEF objects to Interrogatory 51, in part, as irrelevant, overbroad, and not likely to lead to the discovery of admissible evidence. Specifically, PEF objects to the information requested from 1995-2003 since any such information has no relevance to or bearing on this proceeding. Subject to and without waiving these objections or any of PEF's general objections, PEF will produce any such information for 2004 to the present.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail this 16<sup>th</sup> day of August, 2006 to all parties of record as indicated below.



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