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Ruth Nettles

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**From:** Costello, Jeanne [JCostello@CarltonFields.com]  
**Sent:** Thursday, July 12, 2007 2:42 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Harold McLean; John McWhirter, Jr.; John T. Lavia, III; Joseph A. McGlothlin; Lisa Bennett; Mike Twomey; Patricia Christensen; Schef Wright  
**Subject:** Filing: Docket 070052

**Attachments:** PEF Objections to White Springs 1st Interr.pdf



PEF Objections  
o White Spring..

<<PEF Objections to White Springs 1st Interr.pdf>> Attached for filing and e-service on behalf of Progress Energy Florida is PEF's Objections t White Springs First Set of Interrogatories (Nos. 1-4) [4 pages]

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**DOCUMENT NO. DATE**  
05869-07 7,12,07  
**FPSC - COMMISSION CLERK**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**ORIGINAL**

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In re: Petition by Progress Energy Florida, Inc.  
to recover costs of Crystal River Unit 3  
uprate through fuel clause

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Docket No. 070052-EI

Submitted for Filing: July 12, 2007

**PEF'S OBJECTIONS TO WHITE SPRINGS FIRST  
SET OF INTERROGATORIES (Nos. 1-4)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Fla. R. Civ. P., and the Order Establishing Procedure, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the White Springs Agricultural Chemicals Inc. d/b/a PCS Phosphate's ("White Springs") First Set of Interrogatories (Nos. 1-4).

**GENERAL OBJECTIONS**

With respect to the "Definitions" and "Instructions" in White Springs' First 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 White Springs' 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 any Interrogatory or Request for Production that purports to require PEF or its experts to prepare studies, analyses, or to do work for White Springs that has not been done for PEF, presumably at PEF's cost.

Additionally, PEF generally objects to White Springs' interrogatories to the extent that they call for data or information protected by the attorney-client privilege, the work product

**DOCUMENT NO.    DATE**

05869-01    7/12/07  
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doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law.

Finally, PEF reserves the right to supplement any of its responses to White Springs' Interrogatories if PEF cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if PEF later discovers additional responsive information in the course of this proceeding.

By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to White Springs' discovery at the time PEF's response is due.

### **SPECIFIC OBJECTIONS**

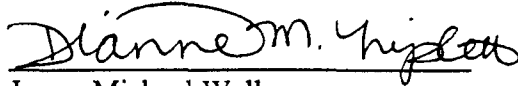
**Interrogatory 1:** PEF objects to White Springs' interrogatory number 1 because the requested information is irrelevant and not likely to lead to the discovery of admissible evidence in this proceeding. Furthermore, this interrogatory is outside of the discovery deadline established in Commission Order No. PSC-07-0390-PCO-EI. Subject to and without waiving these objections or any of PEF's general objections, PEF will make a reasonable effort to respond to this interrogatory, in accordance with the time set forth in Order No. PSC-07-0390-PCO-EI.

**Interrogatory 2:** PEF objects to White Springs' interrogatory number 2 because the requested information is irrelevant and not likely to lead to the discovery of admissible evidence in this proceeding. Furthermore, this interrogatory is outside of the discovery deadline established in Commission Order No. PSC-07-0390-PCO-EI. Subject to and without waiving these objections or any of PEF's general objections, PEF will make a reasonable effort to respond to this interrogatory, in accordance with the time set forth in Order No. PSC-07-0390-PCO-EI.

**Interrogatory 3:** PEF objects to White Springs' interrogatory number 3 because the requested information is irrelevant and not likely to lead to the discovery of admissible evidence in this proceeding. Furthermore, this interrogatory is outside of the discovery deadline established in Commission Order No. PSC-07-0390-PCO-EI. Subject to and without waiving these objections or any of PEF's general objections, PEF will make a reasonable effort to respond to this interrogatory, in accordance with the time set forth in Order No. PSC-07-0390-PCO-EI.

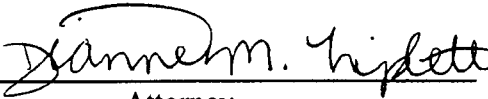
**Interrogatory 4:** PEF objects to White Springs' interrogatory number 4 because the requested information is irrelevant and not likely to lead to the discovery of admissible evidence in this proceeding. Furthermore, this interrogatory is outside of the discovery deadline established in Commission Order No. PSC-07-0390-PCO-EI. Subject to and without waiving these objections or any of PEF's general objections, PEF will make a reasonable effort to respond to this interrogatory, in accordance with the time set forth in Order No. PSC-07-0390-PCO-EI.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Objections to White Springs' First Set of Interrogatories (Nos. 1-4), in Docket No. 070052-EI has been furnished by regular U.S. mail to the following this 12<sup>th</sup> day of July, 2007.

  
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