

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Nuclear Power Plant Cost Recovery
Clause.

DOCKET NO. 080119-EI

March 21, 2008

**CITIZENS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
TO PROGRESS ENERGY FLORIDA, INC. (Nos. 1-11)**

Pursuant to § 350.0611 (1), Florida Statutes, Rule 28-106.206, Florida Administrative Code and Rule 1.350, Florida Rules of Civil Procedure, the Citizens of the State of Florida ("Citizens"), by and through their undersigned attorney with the Office of Public Counsel ("OPC"), hereby request Progress Energy Florida, Inc. ("PEF," "Utility" or "Company") to produce copies of the following documents to OPC at their office in Room 812, 111 West Madison Street, Tallahassee, Florida 32399-1400, or at such other mutually agreed place, within thirty (30) days of this request, on or before April 21, 2008.

DEFINITIONS

As used herein, the following words shall have the meanings indicated:

- (i) "Progress Energy Florida, Inc." shall mean the company, including but not limited to any of its directors, officers, employees, consultants, agents, representatives, attorneys (concerning nonprivileged matters, which

privilege must be expressly identified and justified) and any other person or entity acting or purporting to act on behalf of the Company.

- (ii) "You" or "Your" means Progress Energy Florida, Inc., as defined above.
- (iii) "Affiliate" means any entity that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with Progress Energy Florida, Inc., or shares a 5% or greater common ownership.
- (iv) The terms "document" or "documents" are meant to have the broadest possible meaning under applicable law and include, but are not necessarily limited to, any written, recorded, filed, 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 possessions, custody, or control.

- (v) 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.

- (vi) If there is any document or other tangible item described by this request which is no longer in your possession, custody, or control or is no longer in existence or accessible to you, please indicate:
 - (a) the date and nature of disposition of such document or other tangible item, including, but not limited to, whether such: (i) is missing or lost, (ii) has been destroyed, or (iii) has been transferred to another person;
 - (b) the circumstances surrounding such disposition, including any authorization thereof; and
 - (c) where applicable, the person currently in possession, custody, or control of such document or item.

INSTRUCTIONS

- A. If any document is withheld under any claim to 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.

- B. If the Company has possession, custody, or control of the original 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 the Company does not have possession, custody, or control of the originals of the documents requested please produce any copies in the possession, custody, or control of the Company, however, made.

- C. 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 constructed to be outside the scope.

- D. If the respondent intends to seek clarification of any portion of the discovery request, the respondent shall request such clarification within 10 days of service of the discovery request. Further, any specific objection to a discovery request shall be made within 10 days of service of the discovery request.

- E. Each page of every document produced pursuant to the request for production of documents shall be identified individually through the use of a Bates stamp or other equivalent method of sequential identification. All produced documents shall be numbered in an unbroken sequence through the final hearing.
- F. The Citizens specifically request the Company to make a review of the files of employees reasonably expected to have information responsive to these document requests. Correspondence and notes of meetings, whether typed or handwritten, are specifically requested. If a particular employee is in charge of an area related to a document request, the Citizens request the Company to search the files both of the employee in charge of the area as well as each employee reporting directly or indirectly to such person if their areas of responsibility also include matters reasonably likely to be responsive to the document request.

DOCUMENTS REQUESTED

1. Please provide a copy of all RFPs issued by the company for contracts entered into in this project, copies of all bidder lists, bidder responses, minutes of bidder meetings, and any other documents relating to the processing of RFP responses, including any company documents, practices, directives or correspondence that were used to develop the RFP process for this project.
2. Please provide a copy of all company documents used to evaluate and select winning bidders in the contracts awarded in this docket, including correspondence and other records of contacts and negotiations between the company and bidders, including the factors specified by witness Roderick on page 10, line 1 of his testimony.
3. Please provide a copy of all contracts that were negotiated based on RFPs in this project, including subsequent modifications of such contracts.
4. Please provide all other company documents that support the company's position that the contracts awarded through the RFP process for the CR3 uprate were reasonable and prudent.
5. Please provide a copy of all documents that were originated and prepared by the company to evaluate the options available to the company for the CR3 uprate and all economic analyses used to determine the feasibility of the project in its entirety or in part.

6. Please provide a copy of all contracts negotiated by the company for the CR3 uprate project exceeding \$1 million that were entered into without use of the RFP process, including all supporting documents relating to those contracts that support the company's proposition that these contracts were prudent, as stated by witness Roderick on page 10, including any evidence that would support his claim that such contracts were negotiated on favorable terms, page 10 lines 14-16.

7. Please provide a copy of the project letter or other internal document under which the CR3 uprate project was authorized. Please include workpapers and previous drafts or other final project letters that were written to authorize the expansion of CR3's output.

8. Please provide a copy of all contracts, letters of agreement or other documents that relate to services that have been or will be provided by affiliates of PEF as part of the CR3 uprate project and included in the cost recovery requested in this docket.

9. Please provide all documents containing the monthly and annual budget to actual comparisons and variance reports of all nuclear uprate capital expenditures for the each project of the CR3 uprate and for any nuclear cost requested for recovery in this docket. Please provide these documents by phase or by year of outage and in the most detailed format available.

10. Please provide copies of all construction budget reports for 2006, 2007, 2008 and 2009 that address any CR3 uprate costs for which recovery is or may be sought through the nuclear cost recovery clause.

11. Please provide any documentation that explains and supports the negative costs incurred in November and December 2006. This should include but not be limited to invoices, bids, contracts, agreements, correspondence, journal entries, and e-mails.

s/Stephen C. Burgess
Stephen C. Burgess
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Office of Public Counsel
c/o The Florida Legislature
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Attorney for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 080119-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Citizens' First Request for Production of Documents (Nos. 1-11) to Progress Energy Florida, Inc. has been furnished by electronic mail and U.S. Mail to the following parties on this 21st day of March, 2008.

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s/Stephen C. Burgess
Stephen C. Burgess
Associate Public Counsel