

Eric Fryson

From: Costello, Jeanne <jcostello@carltonfields.com>
Sent: Friday, June 07, 2013 10:48 AM
To: Filings@psc.state.fl.us
Cc: Gamba, Blaise N.; 'Bryan S. Anderson - Florida Power & Light (bryan.anderson@fpl.com)'; 'Erik L. Saylor (saylor.erik@leg.state.fl.us)'; 'F. Alvin Taylor (ataylor@bbrslaw.com)'; 'George Cavros'; 'jbrew@bbrslaw.com'; 'Jessica Cano (jessica.cano@fpl.com)'; 'John T. LaVia III'; 'john.burnett@pgnmail.com'; 'Jon C. Moyle Jr. (jmoyle@moylelaw.com)'; Keino Young; 'Kenneth Hoffman (Ken.hoffman@fpl.com)'; 'Matt Bernier'; Walls, J. Michael; Michael Lawson; 'Monica Woods'; 'Paul Lewis Jr. (paul.lewisjr@pgnmail.com)'; 'Paul Moore'; 'rehwinkel.charles@leg.state.fl.us'; 'Robert Scheffel Wright'
Subject: Electronic Filing Docket 130009-EI
Attachments: Docket 130009 DEF Objections OPC 3rd Interr No 18_1.pdf; Docket 130009 DEF Objections Staff 4th Interr Nos 8-23_1.pdf

Electronic Filing
Docket No. 130009-EI
In re: Nuclear Cost Recovery Clause

a. Person responsible for this electronic filing:

Blaise N. Gamba
Carlton Fields, P.A.
P.O. Box 3239
Tampa, FL 33601
Telephone: (813) 229-4328
Email: bgamba@carltonfields.com

b. Documents are being filed on behalf of Duke Energy Florida, Inc.

c. The documents attached for electronic filing are:

1. Duke Energy Florida, Inc.'s Objections to Staff's Fourth Set of Interrogatories (Nos. 8-23) [four pages]; and
2. Duke Energy Florida, Inc.'s Objections to OPC's Third Set of Interrogatories (No. 18) [four pages].

Thank you for your attention to this request.

Jeanne Costello
Legal Admin Assist/Florida Registered Paralegal
Florida Bar No. 256251

DOCUMENT NUMBER-DATE

03142 JUN-7 2013

FPSC-COMMISSION CLERK

4221 W. Boy Scout Blvd., Ste. 1000
Tampa, Florida 33607-5780
Direct: 813.229.4917 | Fax: 813.229.4133
icostello@carltonfields.com | www.carltonfields.com

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause.

Docket No. 130009-EI
Submitted for Filing: June 7, 2013

**DUKE ENERGY FLORIDA, INC.'S OBJECTIONS TO
STAFF'S FOURTH SET OF INTERROGATORIES (NOS. 8-23)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rules 1.340 and 1.280 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure, Order No. PSC-13-0063-PCO-EI, issued January 29, 2013 (the "Order"), in this matter, Duke Energy Florida, Inc. ("DEF") serves its objections to the Florida Public Service Commission Staff's ("Staff") Fourth Set of Interrogatories (Nos. 8-23), and states as follows:

GENERAL OBJECTIONS

If any interrogatory is to be answered through production of documents pursuant to Florida Rule of Civil Procedure 1.340(c), DEF will make responsive documents available for inspection and copying at the offices of DEF, 106 E. College Ave., Suite 800, Tallahassee, Florida, 32301 at a mutually-convenient time, or will produce the documents in some other manner or at some other place that is mutually convenient to both DEF and Staff for purposes of inspection, copying, or handling of the responsive documents.

Additionally, DEF will not provide information or documents 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 in response to these interrogatories. DEF will provide a privilege log in accordance with applicable law or as may be agreed to by the parties to the extent, if at all, that any interrogatory calls for the production of privileged or protected information or documents.

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In certain circumstances, DEF may determine upon investigation and analysis that documents responsive to certain interrogatories 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 request, DEF 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. DEF hereby asserts its right to require such protection of any and all information that may qualify for protection under the Florida Rules of Civil Procedure, and all other applicable statutes, rules, and legal principles.

Further, DEF objects to any interrogatory that calls for DEF to create documents that it otherwise does not have because there is no such requirement under applicable law. To the extent that these Interrogatories seek to impose requirements on the responses to the Interrogatories beyond the requirements of the Florida Rules of Civil Procedure, DEF will respond to all Staff's Interrogatories consistent with the requirements of the Florida Rules of Civil Procedure, and not some inconsistent or additional requirement.

By making these general objections at this time, DEF does not waive or relinquish its right to assert additional general and specific objections to Staff's discovery at the time DEF's response is due under the Florida Rules of Civil Procedure and the Order.

SPECIFIC OBJECTIONS

Staff Interrogatory Number 9:

SPECIFIC OBJECTION: DEF objects to this interrogatory to the extent it seeks to require DEF to perform work or gather information that DEF does not have in its possession, custody, or control. Subject to this objection, and without waiving same, DEF will provide an appropriate response to this interrogatory.

Staff Interrogatory Number 21:

SPECIFIC OBJECTION: DEF objects to this interrogatory to the extent it seeks to require DEF to gather information that DEF does not have in its possession, custody, or control or to perform work or create information that does not otherwise exist, as the Rules of Civil Procedure and applicable law do not require DEF to do so. DEF also objects to interrogatory 21 because it calls for a response based on an improper legal conclusion that calls for speculation or conjecture to provide a response. Subject to this objection, and without waiving same, DEF will provide an appropriate response to this interrogatory.

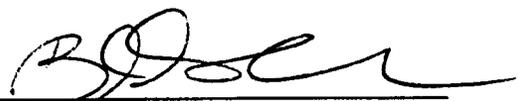
Staff Interrogatory Number 22:

SPECIFIC OBJECTION: DEF objects to this interrogatory to the extent it seeks to require DEF to gather information that DEF does not have in its possession, custody, or control or to perform work or create information that does not otherwise exist, as the Rules of Civil Procedure and applicable law do not require DEF to do so. Subject to this objection, and without waiving same, DEF will provide an appropriate response to this interrogatory.

Staff Interrogatory Number 23:

SPECIFIC OBJECTION: DEF objects to this interrogatory to the extent it seeks to require DEF to gather information that DEF does not have in its possession, custody, or control or to perform work or create information that does not otherwise exist, as the Rules of Civil Procedure and applicable law do not require DEF to do so. Subject to this objection, and without waiving same, DEF will provide an appropriate response to this interrogatory.

Respectfully submitted,



John T. Burnett
Deputy General Counsel
Dianne M. Triplett
Associate General Counsel
Matthew R. Bernier
Associate General Counsel
DUKE ENERGY FLORIDA, INC.
Post Office Box 14042
St. Petersburg, FL 33733-4042
Telephone: (727) 820-5587
Facsimile: (727) 820-5519

James Michael Walls
Florida Bar No. 0706242
Blaise N. Gamba
Florida Bar No. 0027942
CARLTON FIELDS, P.A.
Post Office Box 3239
Tampa, FL 33601-3239
Telephone: (813) 223-7000
Facsimile: (813) 229-4133

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 7th day of June, 2013.



Attorney

Keino Young
Staff Attorney
Michael Lawson
Staff Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee 32399
Phone: (850) 413-6218
Facsimile: (850) 413-6184
Email: kyoung@psc.fl.state.us
mlawson@psc.fl.state.us

Charles Rehwinkel
Associate Counsel
Erik Sayler
Associate Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
Phone: (850) 488-9330
Email: rehwinkel.charles@leg.state.fl.us
Sayler.erik@leg.state.fl.us

Jon C. Moyle, Jr.
Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
Phone: (850) 681-3828
Fax: (850) 681-8788
Email: jmoyle@moylelaw.com

James W. Brew
F. Alvin Taylor
Brickfield Burchette Ritts & Stone, PC
1025 Thomas Jefferson St NW
8th FL West Tower
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807
Email: jbrew@bbrslaw.com
ataylor@bbrslaw.com

Mr. Paul Lewis, Jr.
Duke Energy Florida, Inc.
106 East College Avenue, Ste. 800
Tallahassee, FL 32301-7740
Phone: (850) 222-8738
Facsimile: (850) 222-9768
Email: paul.lewisjr@duke-energy.com

Florida Power & Light Company
Jessica A. Cano/Bryan S. Anderson
700 Universe Boulevard
Juno Beach, FL 33408
Phone: 561-304-5226
Facsimile: 561-691-7135
Email: Jessica.Cano@fpl.com

George Cavros
Southern Alliance for Clean Energy
120 E. Oakland Park Blvd, Ste. 105
Fort Lauderdale, FL 33334
Phone: (954) 295-5714
FAX: (866) 924-2824
Email: george@cavros-law.com

Kenneth Hoffman
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1858
Phone: 850-521-3919/FAX: 850 521-3939
Email: Ken.Hoffman@fpl.com