

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination)
of Cost Effective Generation Alternative) DOCKET NO. 140111-EI
to Meet Need Prior to 2018 for Duke) Submitted for filing: June 23, 2014
Energy Florida, Inc.)
_____)

DUKE ENERGY FLORIDA, INC.'S OBJECTIONS TO NRG FLORIDA LP'S FIRST SET OF INTERROGATORIES (NOS. 1-108)

Pursuant to Florida Administrative Code Rule 28-106.206, Rules 1.340 and 1.280 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure, Order No. PSC-14-0275-PCO-EI, issued May 29, 2014 (the "Order") in this matter, Duke Energy Florida, Inc. ("DEF") serves its objections to NRG Florida LP's ("NRG") First Set of Interrogatories (Nos. 1-108) and states as follows:

GENERAL OBJECTIONS

With respect to the "Preliminary Statement" and "Instructions and Definitions" in NRG's Interrogatories:

DEF generally objects to the Interrogatories to the extent that they call for 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. DEF will provide a privilege log within a reasonable time or as may be agreed to by the parties to the extent that an interrogatory calls for the production of privileged or protected documents or information. Moreover, DEF will include in its privilege log only the information required by Florida law and not some inconsistent and additional requirement under the Instructions and Definitions.

Further, 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.

DEF also generally objects to the Interrogatories to the extent that they calls for the production of “all” documents or information of any nature, including, every copy of every document responsive to the requests. DEF will make a good faith, reasonably diligent attempt to identify and obtain responsive documents or information when no objection has been asserted, but it is not practicable or even possible to identify, obtain, and produce “all” information or documents. In addition, DEF reserves the right to supplement any of its responses to the Interrogatories if DEF cannot respond immediately due to their magnitude and the work required aggregating them, or if DEF later discovers additional responsive information or documents in the course of this proceeding.

DEF further objects to the Preliminary Statement and Instructions and Definitions to the extent that they 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 Interrogatories consistent with the requirements of the Florida Rules of Civil Procedure, and not some inconsistent and additional requirement under the Preliminary Statement and Instructions and Definitions.

SPECIFIC OBJECTIONS

NRG Interrogatory #1: DEF object to this interrogatory because it appears to be requesting documents versus a written response. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #2: DEF object to this interrogatory because it appears to be requesting documents versus a written response. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #11: DEF object to this interrogatory because it appears to be requesting documents versus a written response. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #12: DEF objects to this interrogatory because it is not relevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence in this docket. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #15: DEF objects to this interrogatory because it is not relevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence in this docket. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #19: DEF objects to this interrogatory because it is vague and ambiguous and thus is not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, DEF will provide an appropriate response as possible based on DEF's reading of the question.

NRG Interrogatory #22: DEF objects to this interrogatory to the extent it requests information on "Duke's peaking fleet by plant and by Unit" as overbroad, not relevant to the issues in this docket, and not reasonably calculated to lead to the discovery of admissible evidence in this docket. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #26: DEF objects to this interrogatory as requesting information that is not relevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence in this docket to the extent it requests information on CR1 and CR2 which is the subject of a separate docket in front of the Commission. Subject to this objection, DEF will provide an appropriate response to this interrogatory.

NRG Interrogatory #27: DEF objects to this interrogatory as requesting information that is not relevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence in this docket to the extent it requests information on CR1 and CR2 which is the subject of a separate docket in front of the Commission. Subject to this objection, DEF will provide an appropriate response to this interrogatory.

NRG Interrogatory #43: DEF objects to this interrogatory because it is requesting overbroad information that is not relevant to the issues in this docket and is not reasonably calculated to lead to the discovery of admissible evidence in this docket. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #44: DEF objects to this interrogatory as requesting information that is not relevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible

evidence to the extent it requests information on CR1 and CR2 which is the subject of a separate docket in front of the Commission. Subject to this objection, DEF will provide an appropriate response to this interrogatory.

NRG Interrogatory #45: DEF objects to this interrogatory because it is vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, DEF will provide an appropriate response as possible based on DEF's reading of the question.

NRG Interrogatory #47: DEF objects to this interrogatory because it is not reasonably calculated to lead to the discovery of admissible evidence related to the NRG issues in this docket. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #50: DEF objects to this interrogatory as requesting information that is not relevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence in this docket to the extent it requests information on CR1 and CR2 which is the subject of a separate docket in front of the Commission. Subject to this objection, DEF will provide an appropriate response to this interrogatory.

NRG Interrogatory #51: DEF objects to this interrogatory as overboard, not relevant to the issues in this docket, and not reasonably calculated to lead to the discovery of admissible evidence in this docket to the extent it requests broad information on CR1 and CR2 MATS compliance costs, which is the subject of a separate docket in front of the Commission. Subject to this objection, DEF will provide an appropriate response to this interrogatory.

NRG Interrogatory #53: DEF objects to this interrogatory because it is vague and ambiguous as drafted. Subject to this objection, DEF will provide an appropriate response as possible using a 21.6% surplus reserve margin.

NRG Interrogatory #59: DEF objects to this interrogatory because it is vague and ambiguous to the extent NRG has not defined "like-type." Subject to this objection, DEF will provide an appropriate response based on DEF's reading of the question.

NRG Interrogatory #61: DEF objects to this interrogatory because it is not relevant to the issues

in this docket and not reasonably calculated to lead to the discovery of admissible evidence in this docket. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #64: DEF objects to this interrogatory because it is vague and ambiguous in the use of the phrase “selling off generation capacity is unreasonable.” DEF also objects to this interrogatory to the extent it seeks to mischaracterize DEF’s testimony. Subject to this objection, DEF will provide an appropriate response based on DEF’s reading of the question.

NRG Interrogatory #65: DEF objects to this interrogatory to the extent it seeks to mischaracterize DEF’s testimony. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #71: DEF objects to this interrogatory as requesting information that is not relevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence in this docket to the extent it requests information on CR1 and CR2 which is the subject of a separate docket in front of the Commission. Subject to this objection, DEF will provide an appropriate response to this interrogatory.

NRG Interrogatory #75: DEF objects to this interrogatory because it calls for speculation and conjecture based on potential future dealings. Subject to this objection, DEF will provide an appropriate response to this interrogatory.

NRG Interrogatory #76: DEF objects to this interrogatory because it calls for speculation and conjecture based on potential future dealings. Subject to this objection, DEF will provide an appropriate response to this interrogatory.

NRG Interrogatory #86: DEF objects to this interrogatory because it requests information that is overbroad, not relevant to the issues in this docket, and is not reasonably calculated to lead to the discovery of admissible evidence in this docket. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #87: DEF objects to this interrogatory because it requests information that is overbroad, not relevant to the issues in this docket, and is not reasonably calculated to lead to the discovery of admissible evidence in this docket. Subject to this objection, DEF will provide an

appropriate response.

NRG Interrogatory #88: DEF object to this interrogatory because it appears to be requesting documents versus a written response. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #99: DEF objects to this interrogatory because it requests information that is not relevant to the issues in this docket, and is not reasonably calculated to lead to the discovery of admissible evidence in this docket. Subject to this objection, DEF will provide an appropriate response.

NRG Interrogatory #103: DEF objects to this interrogatory because it requests information that is not relevant to the issues in this docket, and is not reasonably calculated to lead to the discovery of admissible evidence in this docket. Subject to this objection, DEF will provide an appropriate response.

Respectfully submitted this 23rd day of June, 2014.

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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 mail this 23rd day of June, 2014.

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