

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: August 4, 2014
Energy Florida, Inc.)
_____)

**DUKE ENERGY FLORIDA, INC.’S OBJECTIONS TO
STAFF’S FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS
(NO. 19)**

Pursuant to Florida Administrative Code Rule 28-106.206, Rules 1.350 and 1.280 of the Florida Rules of Civil Procedure, and the Third Order Establishing Procedure, Order No. PSC-14-0341-PCO-EI, issued July 3, 2014 (the “Order”) in this matter, Duke Energy Florida, Inc. (“DEF”) serves its objections to the Staff of the Florida Public Service Commission (“Staff”) Fourth Request for Production of Documents (Nos. 19) (the “Document Request”) and states as follows:

GENERAL OBJECTIONS

With respect to the “Definitions” in the Document Request:

DEF generally objects to the Document Request to the extent that it 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 a request 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 responsive documents 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 objects to the Document Requests to the extent they request DEF to create new information or provide information in a format that is different from the format in which the information is kept in the regular course of business.

DEF also generally objects to the Document Request to the extent that it calls for the production of “all” documents or information of any nature, including, every copy of every document responsive to the requests. DEF objects to the definition of the term “document” as overbroad and not reasonably calculated to lead to the discovery of admissible evidence. DEF will make a good faith, reasonably diligent attempt to identify and obtain responsive documents or information in its possession, custody, or control 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 Document Request 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 Instructions and Definitions to the extent that they seek to impose requirements on the responses to the Document Requests beyond the requirements of the Florida Rules of Civil Procedure. DEF will respond to the Document Request consistent with the requirements of the Florida Rules of Civil Procedure, and not some inconsistent and additional requirement under the Instructions and Definitions.

SPECIFIC OBJECTIONS

Document Request #19: DEF objects to this document request because it was served upon DEF past the time that written discovery may be conducted pursuant to the Order in this docket. Subject to this objection, and without waiving same, DEF has agreed to provide an appropriate response.

Respectfully submitted this 4th day of August, 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 4th day of August, 2014.

/s/ Blaise N. Gamba _____

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