

**Florida  
Power**  
CORPORATION

**JAMES A. MCGEE**  
SENIOR COUNSEL

April 5, 1997

Ms. Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

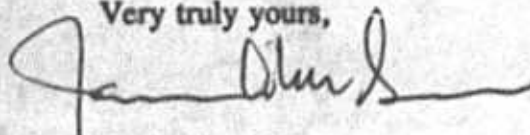
Re: Docket No. 970261-EI

Dear Ms. Bayó:

Enclosed for filing in the subject docket are an original and fifteen copies of Notice of Service and Florida Power Corporation's Objections to Public Counsel's First Set of Interrogatories and First Request for Production off Documents to Florida Power Corporation.

Please acknowledge your receipt of the above filing on the enclosed copy of this letter and return to the undersigned. Also enclosed is a 3.5 inch diskette containing the above-referenced document in WordPerfect format. Thank you for your assistance in this matter.

Very truly yours,



James A. McGee

ACK \_\_\_\_\_  
AFA 2  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG 3  
LEG 2  
LIN 5 JAM/kp  
OPC \_\_\_\_\_ Enclosures  
RCH 2 cc: Parties of Record  
SEC 1  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

RECEIVED & FILED  
APR 7 1997

GENERAL OFFICE

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DOCUMENT NUMBER-DATE

02550 APR-76  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Review of Nuclear Outage at  
Florida Power Corporation's  
Crystal River Unit No. 3

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Docket No. 970261-EI

Submitted for filing:  
April 5, 1997

**NOTICE OF SERVICE OF FLORIDA POWER  
CORPORATION'S OBJECTIONS TO PUBLIC  
COUNSEL'S FIRST SET OF INTERROGATORIES AND  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

NOTICE is hereby given that on April 5, 1997, Florida Power Corporation served its Objections to Public Counsel's First Set of Interrogatories and First Request for Production of Documents to Florida Power Corporation upon the following individuals by U.S. Mail:

John W. McWhirter, Jr.  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas  
P.O. Box 3350  
Tampa, FL 33601

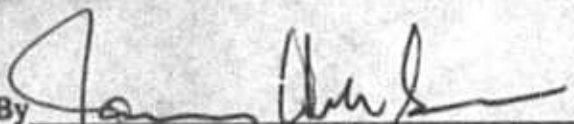
Bob Elias, Esquire  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Gunter Building, Room 370  
Tallahassee, FL 32399-0850

Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin  
Davidson, Rief & Bakas  
117 South Gadsden Street  
Tallahassee, FL 32301

J. Roger Howe  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Respectfully submitted,

**OFFICE OF THE GENERAL COUNSEL  
FLORIDA POWER CORPORATION**

By 

**James A. McGee  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
Telephone: (813) 866-5184  
Facsimile: (813) 866-4931**



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Review of Nuclear Outage at  
Florida Power Corporation's  
Crystal River Unit No. 3

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Docket No. 970261-EI

Submitted for filing:  
April 5, 1997

**FLORIDA POWER CORPORATION'S  
OBJECTIONS TO PUBLIC COUNSEL'S  
FIRST SET OF INTERROGATORIES  
AND FIRST REQUEST FOR PRODUCTION  
OF DOCUMENTS TO FLORIDA POWER CORPORATION**

Florida Power Corporation ("FPC") hereby files its objections to Public Counsel's First Set of Interrogatories and First Request for Production of Documents to Florida Power Corporation, as follows:

**PUBLIC COUNSEL'S INTERROGATORIES**

1. Certain of Public Counsel's Interrogatories may involve highly sensitive, confidential, proprietary, trade secret information. FPC is nonetheless willing to produce such information, provided that the parties are first able to enter into an appropriate confidentiality agreement that would ensure adequate protection of such material. FPC will provide a proposed form of confidentiality agreement to Public Counsel.

2. FPC believes certain of Public Counsel's interrogatories may call for privileged information. FPC is unable to identify such information with

specificity until it has prepared its interrogatory responses in full. FPC therefore reserves its right to object to particular interrogatories to the degree those interrogatories call for privileged information once FPC has been able to prepare its full response to the interrogatories. Nothing contained in this response is intended to waive such privilege claims.

3. FPC believes certain of Public Counsel's interrogatories may call for information or documents in FPC's knowledge or possession pursuant to a confidentiality agreement with third parties. FPC is unable to identify such information specifically until it has prepared its interrogatory responses in full. FPC therefore reserves its right to object to particular interrogatories to the degree those requests call for such confidential information once FPC has been able to prepare its full response to the interrogatories. Nothing contained in this response is intended to waive FPC's right to object to providing such information, or to providing it pursuant to protections appropriate to permit FPC to satisfy its obligations under such confidentiality agreements.

4. FPC objects to Public Counsel's failure to number appropriately what are distinct interrogatories, as required under the Order Establishing Procedure. FPC specifically notes and objects that, for purposes of determining whether Public Counsel reached or exceeded the 200 interrogatory limit established in the Order Establishing Procedure, Public Counsel has propounded more requests than the 24 he has chosen to number because many of the interrogatories have multiple parts.

5. FPC objects to the interrogatories to the extent they seek information not relevant to the prudence of FPC's "specific actions and circumstances that led to the shutdown of the unit on September 2, 1996, and the reasons Florida Power Corporation determined it was necessary to keep the unit down for an extended outage" -- the issues identified in the Prehearing Officer's February 28, 1997 Order Establishing Procedure. To confirm that the scheduled hearing will be so limited, on March 13, 1997, FPC submitted for filing its Motion to Confirm Scope of Hearing and Sever Workshop, which is pending before the Commission.

6. FPC objects to Interrogatory No. 12 on the ground that it seeks information not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence. See Objection number 5.

7. FPC objects to Interrogatory No. 15 on the ground that it seeks information not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence. See Objection number 5.

8. FPC objects to Interrogatory No. 16 on the ground that it seeks information not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence. See Objection number 5.

9. FPC objects to Interrogatory No. 17 on the ground that it seeks information not relevant to the subject matter of the instant action nor reasonably



calculated to lead to the discovery of admissible evidence. See Objection number 5.

10. FPC objects to Interrogatory No. 18 on the ground that it seeks information not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence. See Objection number 5.

11. FPC objects to Interrogatory No. 22 as overly broad and burdensome and seeking information not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence because it seeks information without respect to date or specific subject matter, and which therefore may have no bearing on the outage of FPC's Crystal River Unit No. 3. See Objection No. 5.

#### PUBLIC COUNSEL'S REQUEST FOR PRODUCTION

1. Certain document requests may involve highly sensitive, confidential, proprietary, trade secret material and information. FPC is nonetheless willing to produce such material and information, provided that the parties are first able to enter into an appropriate confidentiality agreement that would ensure adequate protection of such material and information. FPC will provide a proposed form of confidentiality agreement to Public Counsel.

2. FPC objects to the instruction to produce documents at the offices of Public Counsel. Subject to the specific and general objections described above

and below, FPC will make production of all responsive, non-privileged documents by making them available for inspection and copying at Florida Power Corporation, 3201 34th Street South, St. Petersburg, Florida, or by releasing such documents to a commercial service for copying and forwarding of the copies to Public Counsel.

3. FPC believes certain of Public Counsel's requests may call for privileged information or materials. FPC is unable to identify such information or materials with specificity until it has prepared its document responses in full. FPC therefore reserves its rights to object to particular requests to the degree those requests call for privileged information or materials once FPC has been able to prepare its full response to the requests. Nothing contained in this response is intended to waive such privilege claims.

4. FPC believes certain of Public Counsel's document requests may call for documents in FPC's knowledge or possession pursuant to a confidentiality agreement with third parties. FPC is unable to identify such information or materials with specificity until it has prepared its document responses in full. FPC therefore reserves its right to object to particular requests to the degree those requests call for such confidential information or materials once FPC has been able to prepare its full response to the requests. Nothing contained in this response is intended to waive FPC's right to object to producing such information or materials, or to producing it pursuant to protections appropriate to permit FPC to satisfy its obligations under such confidentiality agreements.

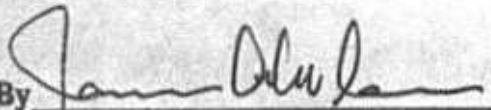


5. FPC objects to the document requests to the extent they seek documents that are not relevant to the prudence of FPC's "specific actions and circumstances that led to the shutdown of the unit on September 2, 1996, and the reasons Florida Power Corporation determined it was necessary to keep the unit down for an extended outage" -- the issues identified in the Prehearing Officer's February 28, 1997 Order Establishing Procedure. To confirm that the scheduled hearing will be so limited, on March 13, 1997, FPC submitted for filing its Motion to Confirm Scope of Hearing and Sever Workshop, which is pending before the Commission.

6. FPC objects to document request number 5 as overly broad and burdensome and seeking information not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence because it seeks documents without respect to date or specific subject matter, and which therefore may have no bearing on the outage of FPC's Crystal River Unit No. 3. Subject to this objection, and without waiving it, FPC will produce responsive non-privileged documents relevant to the outage as limited by FPC's Motion to Confirm Scope of Hearing and Sever Workshop. See Objection no. 5.

Respectfully submitted,

OFFICE OF THE GENERAL COUNSEL  
FLORIDA POWER CORPORATION

By 

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