

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power Corporation's Earnings, Including Effects of Proposed Acquisition of Florida Power Corporation by Carolina Power & Light

DOCKET NO. 000824-EI

Submitted for Filing: November 9, 2001

COMMISSION CLERK

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FLORIDA POWER CORPORATION'S OBJECTIONS TO CITIZENS' SIXTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO FPC

Pursuant to §350.0611(1), Fla. Stat. (2000), Fla. Admin. Code R.28-106.206, and Fla. R. Civ. P. 1.350, Florida Power Corporation ("FPC") objects to Florida's Citizens ("Citizens") Sixth Set of Requests for Production of Documents and states as follows:

GENERAL OBJECTIONS

FPC objects to the request that documents be produced at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400. FPC is required only to produce documents at a reasonable time, place and manner.

FPC objects to any request that calls for the production of 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, whether such privilege or protection appears at the time the response is first made to these requests or is later determined to be applicable based on the discovery of documents, investigation or analysis. FPC

in no way intends to waive any such privilege or protection.

In certain circumstances, FPC may determine upon investigation and analysis that documents that respond to certain requests to which objections are not otherwise asserted are

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confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to produce documents in response to this request, FPC is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FPC hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

FPC further objects to these requests and any definitions or instructions that purport to expand FPC's obligations under applicable law.

FPC objects to any request that requires the production of "all" or "each" as it cannot give assurances, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be found. Indeed, it may well be impossible to assure compliance with the exercise of reasonable diligence.

FPC incorporates by reference all of the foregoing general objections into each of its specific objections set forth below as though pleaded therein.

Moreover, to the extent documents responsive to the requests have been previously produced, FPC will not be reproducing these documents but will attempt to make appropriate cross-references between and amongst the various requests.

### **SPECIFIC OBJECTIONS**

#### **Definitions**

FPC objects to the definition of "FPC", "you", "your" or the "Company" as including Florida Progress Corporation, Progress Energy, Inc., and Progress Energy Service Company, LLC. FPC does not have an obligation under the rules to produce materials in the hands of these companies, but FPC agrees to do so in any event to expedite discovery, to the extent such

documents are relevant to the issues in this case. FPC reserves the right to decline to produce any materials that are not pertinent to the issues in the case. FPC further objects to the definition of “FPC” , “you”, “your” or the “Company” to the extent it includes third parties whose documents are not within its possession, custody, or control.

FPC objects to the definition of the term “management” or “manager” as overbroad and ambiguous. FPC will attribute the usual and customary meaning of this word to its use in these requests.

### **Instructions**

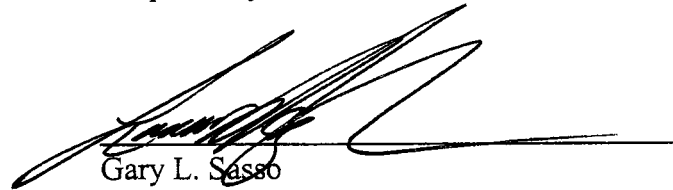
FPC objects to the instructions calling upon FPC to provide designated information regarding any documents withheld from production to the extent it purports to expand FPC’s obligations. FPC will comply with its obligations under applicable rules of procedure.

FPC objects to the instruction to produce “originals” to the extent it purports to expand FPC’s obligations under the Uniform Rules and Florida Rule of Civil Procedure 1.350. FPC will comply with all applicable rules.

- 101. Please provide the two most recent business plans for each strategic business unit associated with any of the operations of Florida Power Corporation, along with all presentations, memoranda, and analyses associated with the business plans. This request includes, but is not limited to, the business plans and presentations presented to senior management during or about the month of October, 2001, as well as all documents related to or discussing the business plans or presentations.**
- 102. Please provide each document in your possession, custody or control discussing or evaluating your stretch target or stretch budget for the years 2000, 2001, 2002 and 2003.**
- 103. Please provide your monthly operating reports and financial analysis reports for the months of September and October, 2001.**

104. Please provide each document in your possession, custody or control commenting on, evaluating, or otherwise discussing the impact of the events of September 11, 2001, on your expenses or budgets.
105. Please provide each document in your possession, custody or control containing, evaluating, or commenting on your budgets for the years 2001, 2002, and 2003.
106. Please provide each document in your possession, custody or control detailing, containing, or discussing the number of employees you expect to have during 2002 and 2003, as well as the salary expense associated with the employees. This request includes, but is not limited to, each document forecasting employee or salary expense by month, year, or any other time period during 2002 or 2003.
107. Please provide the budgets and budget variance reports, whether monthly, quarterly, yearly, for 2000, 2001, and 2002 for each of the centers identified in response to interrogatory 105.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished via U.S. Mail to the following this 9<sup>th</sup> day of November, 2001.

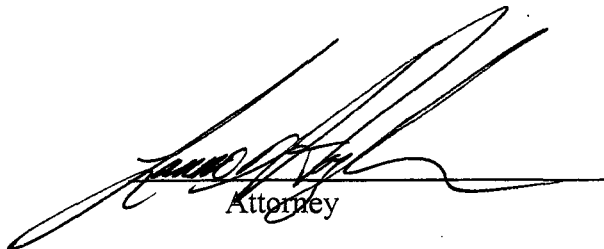
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