

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 30, 2001

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FLORIDA POWER CORPORATION'S OBJECTIONS TO CITIZENS' EIGHTH 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") serves its objections to Florida's Citizens ("Citizens") Eighth Set of Requests for Production and states as follows:

GENERAL OBJECTIONS

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

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

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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 obligations under the applicable rules of procedure. 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.

DOCUMENTS REQUESTED

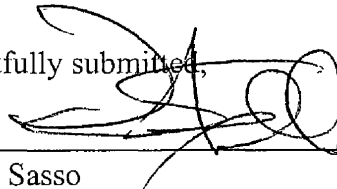
- 111. Please produce all actuarial studies in your possession, custody or control forecasting pension plan benefits for Florida Power Corporation, Florida Progress Corporation, Progress Energy, Inc., and Progress Energy Service Company, LLC, during 2002, along with all documents in your possession, custody or control discussing, critiquing, commenting on, or analyzing the studies or forecasted benefits. This request includes, but is not limited to, all documentation related to the actuarial studies discussed in the direct testimony of Mark A. Myers filed November 15, 2001, at page 7, line 3.**

- 112. Please provide each 2-year business plan created during calendar year 2001 for each business unit of Florida Power Corporation, Florida Progress Corporation, Progress Energy, Inc., and Progress Energy Service Company, LLC, including but not limited to the most recent business plan, even if in draft, non-final, or unapproved form.**

Florida Power objects to this request to the extent it relates to business plans other than those for Florida Power Corporation as overbroad, irrelevant, immaterial, and not reasonably calculated to lead to this discovery of admissible evidence.

113. **Please provide each document in your possession, custody or control containing, discussing, analyzing, commenting on, or critiquing the revised sales forecast discussed in the testimony of Mark A. Myers filed November 15, 2001.**
114. **Please provide all workpapers prepared by Deloitte & Touche LLP related to their examination of the financial forecast prepared by Florida Power Corporation for calendar year 2002, along with all other workpapers, files spreadsheets, schedules, correspondence, memos, e-mail, or other communications in your possession, custody or control related to the examination in any way.**
115. **Please provide the most recent 2002 marketing program for Florida Power Corporation, whether final, in draft form, or any other stage of preparation.**
116. **Please provide each document in your possession, custody or control showing, calculating or evaluating severance costs from the merger.**
117. **Please provide each document in your possession, custody or control discussing, analyzing, or commenting on the amount of premium paid for the stock of Florida Progress Corporation. This request includes, but is not limited to, all documents in the possession, custody or control of Progress Energy, Inc., discussing, analyzing, or commenting on the amount of the premium related to the purchase of utility versus unregulated companies.**

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 30th day of November, 2001.

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