

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

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: December 6, 2001

COMMISSION CLERK

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FLORIDA POWER CORPORATION'S OBJECTIONS TO CITIZENS' NINTH 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") Ninth Set of Requests for Production of Documents 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’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.

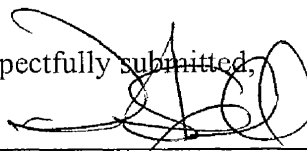
DOCUMENTS REQUESTED

- 118. Please furnish all documents in the possession, custody or control of Florida Power Corporation relating to individual complaints received from the Florida Public Service Commission since January 1, 2000, including formal complaints and “warm transfer” complaints that are not included in the official reports of the Commission. This request includes, but is not limited to, all internal documents relating to the complaints as well as any documents sent to the Florida Public Service Commission.**

- 119. Please furnish all documents in the possession, custody or control of Florida Power Corporation relating to regulatory complaints, executive complaints, “hotline” complaints and escalated complaints, and any other customer complaints received by Florida Power Corporation no matter how the complaints are named or described, including all summaries of customer complaints and all statistical analyses and reports relating to any of the complaints, from January 1, 1998 to date.**

120. Please furnish copies of all documents in the possession, custody or control of Florida Power Corporation relating to the Annual Distribution Reliability Reports, including SAIDI, CAIDI, SAIFI, MAIFI and L Bar measurements, that were created since January 1, 1998.
121. Please provide copies of all documents in your possession, custody or control relating to the projected life of nuclear facilities, in general or specifically relating to the Crystal River nuclear plant. This request includes, but is not limited to, all documents discussing the possibility of extending the operating license of the Crystal River nuclear plant.
122. Please provide copies of all documents in your possession, custody or control dealing with the subject of depreciation rates, dismantlement costs, projected life and/or final service dates for the Crystal River Nuclear Plant, including any company documents that have been produced for management review relating to the pros and cons of relicensing and continued operation of the plant beyond its currently planned dismantlement date.
123. Please provide copies of all documents in your possession, custody or control relating to the depreciation study that was to be filed on or about December 1, 2001, including but not limited to documents discussing the reasons for the delay, merits, pros and cons, disadvantages, and/or rationale for completion of the study on the scheduled due date or delay of the study to a future date.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished via hand delivery
(where indicated by *) and via U.S. Mail to the following this 6th day of December, 2001.

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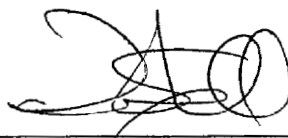
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