

**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 Corporation by Carolina Power & Light

Docket No.: 000824-EI  
Filed: December 28, 2001

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**FLORIDA INDUSTRIAL POWER USERS GROUP'S OBJECTIONS TO FLORIDA POWER CORPORATION'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 1 - 9) TO THE FLORIDA INDUSTRIAL POWER USERS GROUP**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Florida Industrial Power Users Group ("FIPUG") Objects to Florida Power Corporation's ("FPC") First Set of Interrogatories and states as follows:

**General Objections**

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

2. In certain circumstances, FIPUG 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, FIPUG is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FIPUG 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.

3. FIPUG objects to these definitions and instructions to the extent they purport to require FIPUG to provide documents or other information on diskette. FIPUG will entertain specific request to product electric copies of documents that so exist in the normal course of business in a format designed to preserve the integrity of these documents.

4. FIPUG objects to those requests to extent they purport to require FIPUG to prepare information or documents or perform calculations that FIPUG has not prepared or performed in the normal course of business as an attempt to expand FIPUG's obligations under applicable law. FIPUG will comply with applicable law.

5. FIPUG further objects to these requests and any definitions or instructions that purport to expand FIPUG's obligations under applicable law. FIPUG will comply with applicable law.

6. FIPUG objects to any request that requires the production of "all" or "each" responsive document will be found. Indeed, it may well be impossible to assure compliance with the exercise of reasonable diligence.

7. FIPUG objects to FPC's instruction to produce the requested documents at the St. Petersburg office of Carlton Fields, P.A.<sup>1</sup> Without waiving any other objection, FIPUG will produce the requested documents where they are kept in the ordinary course of business pursuant to Rule 1.350(b), Florida Rules of Civil Procedure.

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<sup>1</sup> See *Florida Power Corporations First Request for Production of Documents to Florida Industrial Power Users Group*, December 18, 2001, Introduction, Paragraph No. 1.

8. At the time for the due date for these objections, FIPUG has not yet completed its testimony. Therefore, all these objections are, by necessity, preliminary in nature. Additional objections may arise as the testimony is developed and completed and FIPUG reserves the right to raise these additional objections.

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

### **Specific Objections**

10. FIPUG objects to FPC's Request for Production No. 1 on the basis that it is vague, irrelevant, overbroad, and unduly burdensome. To the extent that this request does not involve an inordinate amount of research, FIPUG will attempt to respond; however, until the actual witnesses are identified, FIPUG preserves this objection for the record.

11. FIPUG objects to FPC's Request for Production No. 3 on the basis that it is vague, irrelevant, overbroad, and unduly burdensome. Further, some information may be subject to proprietary licensing agreements with third parties.

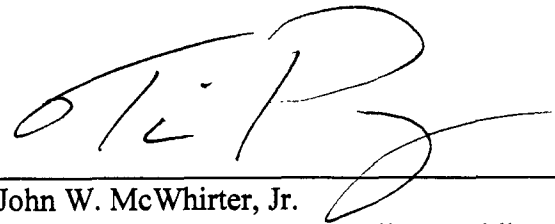
12. FIPUG objects to FPC's Request for Production No. 4 on the basis that it is vague, irrelevant, overbroad, and unduly burdensome. To the extent that this request does not involve an inordinate amount of research, FIPUG will attempt to respond; however, until the actual witnesses are identified, FIPUG preserves this objection for the record.

13. FIPUG objects to FPC's Request for Production No. 6 on the basis that it is vague, irrelevant, overbroad, and unduly burdensome.

14. FIPUG objects to FPC's Request for Production No. 8 on the basis that it is irrelevant, overbroad, and unduly burdensome. FIPUG is under no obligation to perform FPC's research for

it. To the extent that orders of regulatory bodies exist, they are as accessible to FPC as to FIPUG.

15. FIPUG objects to FPC's Request for Production No. 9 on the basis that it is irrelevant, overbroad, and unduly burdensome.



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## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Industrial Power Users Group's Objections to Florida Power Corporation's First Set of Requests for Production of Documents (Nos. 1 - 9) to the Florida Industrial Power Users Group has been furnished by (\*) hand delivery, (\*\*) Facsimile or U.S. Mail to the following this 28th day of December 2001:

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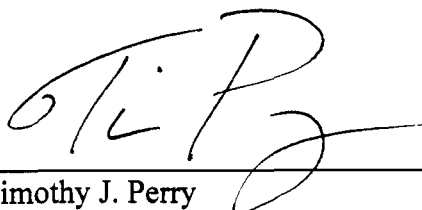
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