

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: January 22, 2002

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FLORIDA POWER CORPORATION'S OBJECTIONS TO STAFF'S TENTH REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA POWER CORPORATION (NO. 54-55)

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 the Staff of the Florida Public Service Commission's ("Staff") Tenth Request for Production (No. 54-55) 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 means of a confidentiality

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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.

DOCUMENTS REQUESTED

- 54. Please provide copies of all actuarial reports and internal workpapers used to determine FPC's pensions and benefits and other post retirement benefits for the historical years ended December 31, 1998, and December 31, 1999. (Moniz, Revell, & Kyle)**

- 55. With respect to the actuarial reports in the preceding request, please provide a copies of all documents provided by or for the company to the actuary or actuaries for their used in calculating pension and OPEB expense. Also please provide copies of all internal workpapers used in deriving assumptions included in the documents provided to the actuary or actuaries. This request includes, but is not limited to, assumptions regarding funds growth rates, salary progression rates, employee turnover rates and**

expected plan changes. (Moniz, Revell, & Kyle)

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 22nd day of January, 2002.

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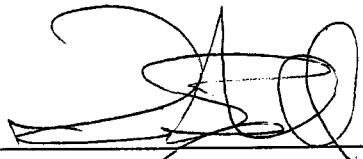
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