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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:  
February 11, 2002

FLORIDA POWER CORPORATION'S OBJECTIONS TO STAFF'S TWELFTH REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA POWER CORPORATION (NO. 57-70)

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") Twelfth Request for Production (No. 57-70) 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

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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.

### **DOCUMENTS REQUESTED**

**57. Please provide supporting documentation for each of the rate base and NOI line item costs shown on MAM-7 attached to Mr. Myers direct testimony. (Gardner & P.Lee)**

**58. Please provide workpapers supporting the development of the Payroll Loading Factor of 55.264% used to develop the service charge costs in MFR Schedule E-10. (Wheeler)**

59. Please provide an electronic copy with all formulas intact of MFR schedule E-16d. (Wheeler)

60. Please provide a list of all Plant Held for Future Use in the projected test year 2002. Please give the dates when each piece of property was acquired. (Colson)

61. Please provide all documents and work papers that show how FPC arrived at the amount of expense budgeted to Unscheduled Maintenance in the projected test year 2002. (Colson)

62. Please provide a list of all projects included in FPC's Construction Work in Progress budget in the projected test year 2002 which are \$500,000 or greater. Please give the construction projects beginning and ending dates. (Colson)

63. Please provide all documents and work papers which show how FPC arrived at the amount budgeted for Steam Power Generation O&M in the projected test year 2002 that is due to stock market performance, the economy, and national security. (Colson)

FPC is seeking clarification of this request as it is uncertain as to what information is requested.

64. For each of FPC's level of accounts 517, 519, 520, 523, and 524, please provide all documents and work papers that FPC used to calculate the budget amount for projected test year 2002. (Colson)

65. For each of FPC's level of accounts 528, 529, 530, 531, and 532, please provide all documents and work papers that FPC used to calculate the budget amount for projected test year 2002. (Colson)

66. For each of FPC's level of accounts 546, 548, 549, 551, 552, 553, and 554 please provide all documents and work papers that FPC used to calculate the budget amount for projected test year 2002. (Colson)

67. For each of FPC's level of accounts 565, 566, 571, and 588, please provide all documents and work papers that FPC used to calculate the budget amount for projected test year 2002. (Colson)

68. For each of FPC's level of accounts 590-599, please provide all documents that FPC used to calculate the budget amount for projected test year 2002. (Colson)

69. Please provide a revised exhibit MAM-2, from the testimony of Mark A. Myers, with the equity ratios calculated as follows: common equity divided by investor capital where investor capital is common equity, preferred stock, short-term debt and long-term debt. Please show the amount of the off-balance sheet obligation for each company, but do not include it in the calculation. Please show all amounts for each source of capital used in the calculations

of the equity ratios. (Lester)

70. Please provide the work papers and source documents used to calculate the equity ratios for exhibit MAM-2, from the testimony of Mark A. Myers. (Lester)

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 11th day of February, 2002.

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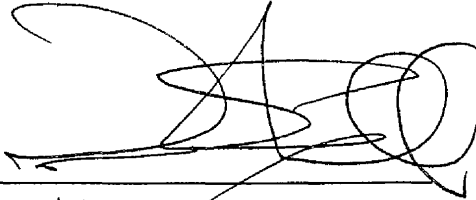
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