

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: February 18, 2002

COMMISSION CLERK

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FLORIDA POWER CORPORATION'S OBJECTIONS TO STAFF'S THIRTEENTH REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA POWER CORPORATION (NO. 71-86)

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") Thirteenth Request for Production (No. 71-86) 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.

Pursuant to subsequent correspondence with Staff, they have advised FPC that no response is necessary to request numbers 73-86 contained in this request. FPC does not waive the right to object to these requests, in the event that a request is necessary in the future.

DOCUMENTS REQUESTED

71. Please provide copies of all invoices for this rate case that include costs charged to rate case expense for the period of January 1, 2002, through February 28, 2002, and estimated expenses to complete the case through the hearing process, not including any appeal expenses. (Revell & Moniz)

72. Please provide all documents used to derive and sustain FPC's current complaint resolution processes regarding the following:

- A. All complaints received directly from FPC consumers
- B. All complaints received from the Florida Public Service Commission. (P. Lowery)

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 18th day of February, 2002.

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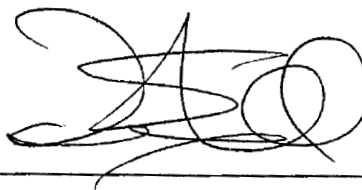
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A handwritten signature in black ink, appearing to read 'M. Twomey', is written over a horizontal line.

Attorney