

JAMES E. "JIM" KING, JR.
President



Harold McLean
Public Counsel

ORIGINAL

STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

JOHNNIE BYRD
Speaker



October 14, 2004

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RECEIVED-FPSC
04 OCT 14 PM 4:27
COMMISSION
CLERK

RE: Docket No. 040001-EI

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of the Office of Public Counsel's Request for Production of Documents to Progress Energy Florida (Nos. 1-4) for filing in the above referenced docket.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Patricia A. Christensen
Associate Public Counsel

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____ PC/pwd
- OPC _____ Enclosures
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH _____

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-CATE

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FPSC-COMMISSION CLERK

View

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power)
cost recovery clause with)
generating performance incentive)
factor.)
_____)

DOCKET NO. 040001-EI
FILED: October 14, 2004

**CITIZENS' FIRST SET OF
REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-4)
TO PROGRESS ENERGY FLORIDA**

Please take notice that the Citizens served the original and one copy of its Requests for Production of Documents (Nos. 1- 4) to Progress Energy Florida (Progress) on October 14, 2004.

The documents are to be served on the Citizens at the Office of Public Counsel, c/o the Florida Legislature, 111 West Madison Street, Claude Pepper Building, Room 812, Tallahassee, Florida 32399-1400. Copies are to be served on all parties in accordance with applicable Rules of Civil Procedure.

DEFINITIONS

As used herein, in word "documents" shall mean the original and any non-identical copies of any writing or record, including but not limited to a book, pamphlet, periodical, letter, memorandum, telegram, report, study, interoffice or intra-office, handwritten or other notes, working papers, draft, application, permit, chart, paper, graph, survey, index, tape, disc, data sheet or data processing card, computer printout, or any other written, recorded, transcribed, filed or graphic matter, however produced or reproduced.

PRODUCTION OF DOCUMENTS REQUESTS

1. Please provide copies of all responses to Production of Document requests served by the FPSC on the company to date.

2. Please provide an unredacted copy of all confidential documents submitted by the company to the FPSC in this docket.

3. Referring to the Shady Hills agreement:

(a) Please provide all documents used by the company to analyze and evaluate the feasibility of this project, including presentations, recommendations to higher management, correspondence and e-mails.

(b) Please provide copies of any previous or existing contracts the company has executed with Shady Hills.

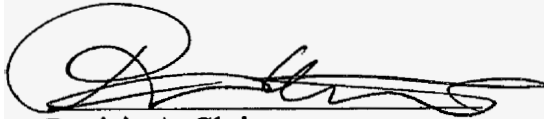
4. Referring to the proposed Southern contracts:

(a) Please provide all documents used by the company to analyze and evaluate the feasibility of this project, including presentations, recommendations to higher management, correspondence and e-mails.

(b) Please provide a copy of any documents that compare the prices that the company expects to pay for future Southern Company generation versus the expense the company incurs for its own generation.

(c) Please provide a copy of the existing contracts with the Southern Company.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patricia A. Christensen', is written over a light gray rectangular background.

Patricia A. Christensen
Florida Bar No. 0989789
Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail on this 14th day of October, 2004, to the following:

Ausley Law Firm
Lee Willis/James Beasley
P.O. Box 391
Tallahassee, FL 32302

Beggs & Lane Law Firm
Jeffrey Stone/Russell Badders
P.O. Box 12950
Pensacola, FL 32591-2950

Florida Industrial Power Users Group (McWhirter)
c/o John W. McWhirter, Jr.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33602

Florida Power & Light Company
Mr. Bill Walker
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Florida Power & Light Company
R. Wade Litchfield, Esq.
700 Universe Blvd.
Juno Beach, FL 33408-0420

Florida Public Utilities Company
John T. English/George Bachman
P. O. Box 3395
West Palm Beach, FL 33402-3395

Gulf Power Company
Ms. Susan D. Ritenour
One Energy Place
Pensacola, FL 32520-0780

Joe Regnery, Esq.
Island Center
2701 North Rocky Point Drive
Suite 1200
Tampa, FL 33607

McWhirter Law Firm
Vicki Kaufman/Joseph McGlothlin
117 S. Gadsden St.
Tallahassee, FL 32301

Messer Law Firm
Norman H. Horton, Jr./Floyd Self
P.O. Box 1876
Tallahassee, FL 32302-1876

Moyle Law Firm
Jon C. Moyle/Bill Hollimon
118 N. Gadsden Street
Tallahassee, FL 32301

Power Systems Mfg., LLC
1440 W. Indiantown Road, Suite 200
Jupiter, FL 33458


Progress Energy Florida, Inc.
Ms. Bonnie E. Davis
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740

Progress Energy Service Co., LLC
James McGee
P. O. Box 14042
St. Petersburg, FL 33733-4042

Steel Law Firm (Miami)
John T. Butler
200 South Biscayne Boulevard
Suite 4000
Miami, FL 33131-2398

Tampa Electric Company
Ms. Angela Llewellyn
Regulatory Affairs
P. O. Box 111
Tampa, FL 33601-0111

Thomas K. Churbuck
911 Tamarind Way
Boca Raton, FL 33486

A handwritten signature in black ink, appearing to read 'Patricia A. Christensen', is written over a light gray rectangular background.

Patricia A. Christensen
Associate Public Counsel