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**From:** Binette, Matthew J. [Matthew.Binette@sablaw.com]  
**Sent:** Friday, July 08, 2005 4:57 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket No. 050078-EI: Documents for e-Filing  
**Attachments:** WhiteSpringsINTObjections.pdf; WhiteSpringsPODObjections.pdf

Please accept for e-filing the attached documents.

- a. The person making this filing is: James M. Bushee, Sutherland Asbill & Brennan LLP, 1275 Pennsylvania Avenue, N.W., Washington, DC 20004-2415, telephone 202-383-0100, fax 202-637-3593, e-mail james.bushee@sablaw.com.
- b. The docket number is: 050078-EI, In re: Petition for rate increase by Progress Energy Florida, Inc.
- c. These documents are filed on behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate - White Springs.
- d. There are a total of 7 pages in the first attached document and a total of 7 pages in the second attached document.
- e. The first attached document is the Objections of White Springs to the First Set of Interrogatories of Progress Energy Florida, Inc. in this proceeding. The second attached document is the Objections of White Springs to the First Requests for Production of Documents of Progress Energy Florida, Inc. in this proceeding.

Thank you for your attention to this matter.

<<WhiteSpringsINTObjections.pdf>> <<WhiteSpringsPODObjections.pdf>>

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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Progress  
Energy Florida, Inc.

Docket No. 050078-EI

Served: July 8, 2005

**OBJECTIONS OF WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.  
D/B/A PCS PHOSPHATE – WHITE SPRINGS TO  
PROGRESS ENERGY FLORIDA, INC.'S FIRST SET OF INTERROGATORIES  
(NOS. 1a – 1f) TO WHITE SPRINGS**

Pursuant to the “Order Establishing Procedure” issued in this docket on May 4, 2005 (“Procedural Order”), White Springs Agricultural Chemicals, Inc. d/b/a/ PCS Phosphate – White Springs (“White Springs”) hereby respectfully submits its objections to Progress Energy Florida, Inc.’s (“Progress Energy”) First Set of Interrogatories to White Springs (Nos. 1a – 1f), which was served on June 28, 2005.

**General Objections**

1. White Springs objects to the interrogatories to the extent that they call for White Springs to disclose information and materials that are protected by any privilege available under the laws of the State of Florida or any other applicable law, including, but not limited to, the attorney-client privilege, the work product doctrine, the trade secret privilege, and other judicially- and administratively-recognized privileges. White Springs intends to enforce all applicable privileges to the extent allowed by the privilege.

2. White Springs objects to the interrogatories to the extent that they call for White Springs to disclose information that contains confidential, proprietary or commercially sensitive business information or require White Springs to compile such information.

3. White Springs objects to the interrogatories to the extent that they seek “all” related information on a specific subject as overly broad and imposing an undue burden on

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White Springs. White Springs and/or its witnesses will undertake a good faith effort to identify and disclose all information in its or their possession that, in White Springs interpretation, are responsive to the interrogatories.

4. White Springs objects to the interrogatories to the extent that they seek information that is outside the scope of the issues set for hearing in this proceeding and/or is not relevant to the matters at issue in this proceeding, and thus are not reasonably calculated to lead to the discovery of admissible evidence in this proceeding.

5. White Springs objects to the interrogatories to the extent that they are overly broad and/or not properly limited in time or scope and thus are unduly burdensome.

6. White Springs objects to the interrogatories to the extent that they seek information which would be unduly burdensome to compile and disclose and thus would cause White Springs to incur unnecessary expense.

7. White Springs objects to the interrogatories to the extent that they purport to require White Springs to supplement its responses in violation of Florida Rule of Civil Procedure 1.280(e).

8. White Springs objects to the interrogatories to the extent that they seek information that is in the public domain, already in the possession of Progress Energy, or are not within the possession of or control of White Springs.

9. White Springs objects to the interrogatories to the extent that they fail to describe the information sought in sufficient detail and reasonable particularity and therefore are overly broad, unreasonably vague and unduly burdensome.

10. White Springs objects to the interrogatories as untimely, to the extent that White Springs is in the process of preparing its direct testimony and strategy and at this time has not

completed the process of identifying the witnesses it intends to employ in this matter.

11. White Springs reserves the right to assert claims of privilege or to invoke protected status for confidential, proprietary or commercially sensitive information subsequent to the date that these objections are filed and served as discovery reviews continue, to the extent that White Springs determines that such actions are necessary to protect White Springs's interests. By propounding the general and specific objections stated herein, White Springs does not waive other applicable objections and privilege claims that may exist yet are not contained herein.

#### **Specific Objections**

White Springs raises the following specific objections to Progress Energy's First Set of Interrogatories. White Springs incorporates by reference its general objections. By raising specific objections to individual interrogatories, White Springs does not waive its general objections with respect to any of the interrogatories, whether a general objection is repeated or substantially incorporated in a specific objection.

**Interrogatory No. 1a:** White Springs objects to this interrogatory as overly broad and unduly burdensome in that it seeks disclosure of organizations with which White Springs witnesses are associated in "any professional capacity". White Springs will request that its witnesses disclose their associations with professional organizations that are relevant to this proceeding, but it may be impossible or extremely burdensome to determine, identify and disclose all professional organizations with which its witnesses may have an affiliation.

**Interrogatory No. 1b:** White Springs objects to this interrogatory as vague, as it is not clear what is meant by the term "field" in which each witness is to be offered as an expert. Certain witnesses' "fields" could be characterized as vaguely as "utility regulation" or to any

greater level of specificity, forcing White Springs to guess at the level of specificity sought by the Interrogatory. Without a more specific definition of the term “field” White Springs cannot possibly answer this question.

**Interrogatory No. 1c:** White Springs objects to this interrogatory as vague, as it is not clear what is meant by the term “qualifications within the field in which” each witness is expected to testify. Witnesses for White Springs will provide a description of their academic and professional experience as an attachment to their pre-filed direct testimony.

**Interrogatory No. 1d:** White Springs objects to this interrogatory as unduly burdensome and untimely, as it seeks information that cannot possibly be known at this time and calls upon White Springs to guess as to the issues each witness will raise during testimony. Until discovery ceases and White Springs is able to examine all information and documents disclosed in discovery and formulate its hearing strategy, White Springs cannot possibly identify all of the facts and opinions each witness will assert in written or oral testimony at the hearing. It is unfair at this point in the proceeding to force White Springs to disclose a list of possible facts and opinions that may either fail to exhaust the scope of facts and opinions that White Springs may later assert or may identify facts and opinions that White Springs later determines to be irrelevant or mistaken. White Springs objects to this interrogatory to the extent that it seeks to lock White Springs into a set of facts and opinions to be presented in this proceeding, as such matters may change as discovery continues.

**Interrogatory No. 1e:** White Springs objects to this interrogatory as overly broad, unduly burdensome and untimely, as it seeks information that cannot possibly be known at this time and calls upon White Springs to guess as to both the opinions each expert will assert as this proceeding unfolds and the grounds on which those opinions will be formed. Until discovery

ceases and White Springs is able to examine all information and documents disclosed in discovery and formulate its hearing strategy, White Springs cannot possibly identify all of the grounds upon which each witness's opinion will rest. It is unfair at this point in the proceeding to force White Springs to disclose a list of possible opinions and grounds for each opinion that may either fail to exhaust the scope of opinions and grounds that White Springs may later assert or may identify opinions and grounds that White Springs later determines to be irrelevant or mistaken. White Springs objects to this interrogatory to the extent that it seeks to lock White Springs into a set of opinions and the grounds upon which they rest at this early stage in the proceeding, as such matters may change as discovery continues.

**Interrogatory 1f:** White Springs objects to this interrogatory as overly broad, unduly burdensome, and vague, as it is not clear what is meant by the term "reports". A broad interpretation of the term "reports" could include any document, paper, draft, note, or other material upon which the witness may have written while preparing his testimony. Such a request would require White Springs to search for possibly voluminous amounts of materials that may or may no longer be in existence. Furthermore, a broad interpretation of the term "reports" could require disclosure of papers and materials that are protected by the attorney-client privilege, work product doctrine or other applicable privileges. White Springs objects to this interrogatory to the extent that it seeks documents and materials outside the scope of the term "workpapers" as it is used customarily in regulatory proceedings of this nature and thus will not produce documents that fall outside of the customarily applied definition of the term "workpapers".

White Springs remains willing to work with Progress Energy in a good faith manner to narrow the scope of information sought in these interrogatories and resolve discovery disputes as they arise.

Sincerely,

s/ James M. Bushee

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July 8, 2005

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Notice of Service has been furnished by electronic mail and U.S. Mail this 8th day of July, 2005, to the following:

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s/ James M. Bushee

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