

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and Purchase Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor )

Docket No. 060001-EI  
Filed: February 20, 2006

PEF'S OBJECTIONS TO OPC'S FIRST SET OF INTERROGATORIES (NOS. 1-16)

Pursuant to Fla. Admin. Code R. 28-106.206 and Rule 1.340 of the Florida Rules of Civil Procedure, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Office of Public Counsel's ("OPC") First Set of Interrogatories to PEF, Nos. 1-16, and states as follows:

RECEIVED FPSC  
FEB 20 PM 4:21  
COMMISSION CLERK

GENERAL OBJECTIONS

With respect to the "Definitions" and "Instructions" in OPC's First Set of Interrogatories, PEF objects to any definitions or instructions that are inconsistent with PEF's discovery obligations under applicable rules. If some question arises as to PEF's discovery obligations, PEF will comply with applicable rules and not with any of OPC's definitions or instructions that are inconsistent with those rules. Furthermore, PEF objects to any interrogatory that calls for PEF to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

PEF objects to OPC's definition "(i)" given that it includes "affiliates" in the definitions of "PEF" and "Progress Fuels." PEF objects to any definition or interrogatory that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

- MP \_\_\_\_\_
- OM \_\_\_\_\_
- TR \_\_\_\_\_
- CR \_\_\_\_\_
- CL \_\_\_\_\_
- DPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC   1
- OTH \_\_\_\_\_

RECEIVED & FILED

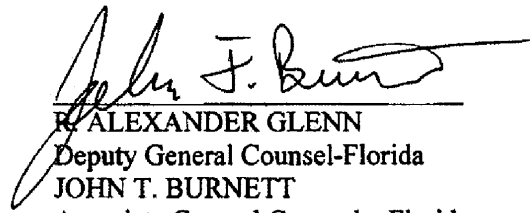
*DEM*  
FPSC-BUREAU OF RECORDS  
TPA#2050501.1

Additionally, PEF generally objects to OPC's interrogatories to the extent that they call for data or information 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.

Finally, PEF objects to any attempt by OPC to evade any numerical limitations set on interrogatories by asking multiple independent questions within single individual questions and subparts. By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to OPC's discovery at the time PEF's response is due.

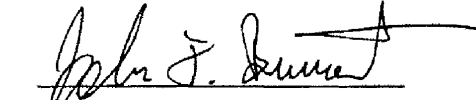
**SPECIFIC OBJECTIONS**

**Interrogatory 6(c)**: PEF objects to Interrogatory 6(c) due to the fact that it appears to ask PEF for a legal opinion regarding environmental permits and regulations.

  
R. ALEXANDER GLENN  
Deputy General Counsel-Florida  
JOHN T. BURNETT  
Associate General Counsel – Florida  
PROGRESS ENERGY SERVICE COMPANY, LLC  
100 Central Avenue  
St. Petersburg, FL 33701  
Telephone: (727) 820-5184  
Facsimile: (727) 820-5519

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished  
via U.S. Mail this 20th day of February, 2006 to all parties of record as indicated below.

  
JOHN T. BURNETT

<p>Jennifer A. Rodan, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850</p> <p>James D. Beasley, Esq. Lee L. Willis, Esq. Ausley &amp; McMullen Law Firm P.O. Box 391 Tallahassee, FL 32302</p> <p>Joseph A. McGlothlin, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, #812 Tallahassee, FL 32399</p> <p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Steven R. Griffin Beggs &amp; Lane Law Firm P.O. Box 12950 Pensacola, FL 32591</p> <p>Timothy J. Perry, Esq. McWhirter Reeves Law Firm 117. S. Gadsden Street Tallahassee, FL 32301</p> <p>Ms. Angela Llewellyn Tampa Electric Company P.O. Box 111 Tampa, FL 33601</p> <p>Ms. Susan D. Ritenour Gulf Power Company</p>	<p>Florida Industrial Power Users Group c/o John McWhirter, Jr. McWhirter Reeves Law Firm 400 N. Tampa Street, Ste. 2450 Tampa, FL 33602</p> <p>Norman H. Horton, Jr. Messer, Caparello &amp; Self, P.A. P.O. Box 1876 Tallahassee, FL 32302-1876</p> <p>John T. Butler, Esq. Squire, Sanders &amp; Dempsey, LLP 200 S. Biscayne Blvd., Suite 4000 Miami, FL 33131-2398</p> <p>Robert Scheffel Wright John T. LaVia, III Young van Assenderp, P.A. 225 S. Adams Street, Suite 200 Tallahassee, FL 32301</p> <p>AARP c/o Mike Twomey P.O. Box 5256 Tallahassee, FL 32314-5256</p> <p>Karen S. White, Lt. Col., USAF Damund E. Williams, Capt., USAF AFLSA/JACL-ULT 139 Barnes Drive, Suit 1 Tyndall Air Force Base, FL 32403-5319</p> <p>R. Wade Litchfield, Esq. Florida Power &amp; Light 700 Universe Boulevard Juno Beach, FL 33408-0420</p>
--	---

One Energy Place  
Pensacola, FL 32520-0780

Mr. Bill Walker  
Florida Power & Light  
215 S. Monroe Street, Ste. 810  
Tallahassee, FL 32301-1859

Ms. Cheryl Martin  
Florida Public Utilities Company  
P.O. Box 3395  
West Palm Beach, FL 33402-3395