

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: May 3, 2006

PEF'S OBJECTIONS TO OPC'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 15-23)

Pursuant to Fla. Admin. Code R. 28-106.206 and Rule 1.350 of the Florida Rules of Civil Procedure, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Office of Public Counsel's ("OPC's") Second Set of Requests for Production of Documents (Nos. 15-23) and states as follows:

GENERAL OBJECTIONS

PEF generally objects to the time and place of production requirement in OPC's Second Set of Requests for Production of Documents and will make all responsive documents available for inspection and copying at the offices of Progress Energy Florida, Inc., 106 E. College Avenue, Suite 800, Tallahassee, Florida, 32301 at a mutually-convenient time, or will produce the documents in some other manner or at some other place that is mutually convenient to both PEF and OPC for purposes of inspection, copying (at OPC's expense), or handling of the responsive documents.

With respect to the "Definitions" and "Instructions" in OPC's Second Request For Production (Nos. 15-23), 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.

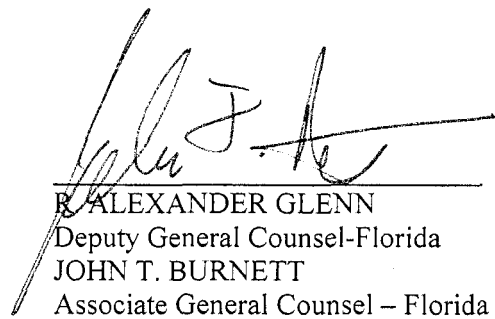
Furthermore, PEF objects to any definition or request that seeks to encompass persons or entities, including affiliates of PEF and/or Progress Fuels, who are not parties to this action or who are not subject to discovery under the applicable rules. Furthermore, PEF objects to any request that can be construed to call for PEF to create documents that it otherwise does not have because there is no such requirement under the applicable rules and law.

Additionally, PEF generally objects to OPC's requests to the extent that they call for 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. PEF will provide a privilege log in accordance with the applicable law to the extent, if at all, that any document request calls for the production of privileged or protected documents.

PEF generally objects to OPC's Second Set of Request for Production to the extent that it calls for the production of "all" documents of any nature, including, every copy of every document responsive to the requests. PEF will make a good faith, reasonably diligent attempt to identify and obtain responsive documents when no objection has been asserted to the production of such documents, but it is not practicable or even possible to identify, obtain, and produce "all" documents. In addition, PEF reserves the right to supplement any of its responses to OPC's requests for production if PEF cannot produce documents immediately due to their magnitude and the work required to aggregate them, or if PEF later discovers additional responsive documents in the course of this proceeding.

PEF generally objects to OPC's Second Set of Request for Production to the extent that it requests for discovery to be produced on or before 20 days from the date of service of the request. The Order Establishing Procedure (Order No. PSC-06-0207-PCO-EI) issued March 15, 2006, ¶(V)(A)(5) indicates that discovery made prior to the filing of a utility's projection testimony and exhibits or after the hearing in this docket shall be made in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure. Rule 1.350(b) F.R.C.P allows 30 days to respond to discovery requests.

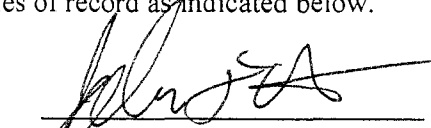
By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to OPC's discovery at the time PEF's response is due.



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 15th day of May, 2006 to all parties of record as indicated below.



JOHN T. BURNETT

Cochran Keating, Esq.
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Timothy J. Perry, Esq.
McWhirter, Reeves et al.
117 South Gadsden Street
Tallahassee, FL 32301

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

Karen S. White, Lt. Col., USAF
Damund E. Williams, Capt., USAF
AFLSA/JACL-ULT
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319

Jeffrey A. Stone
Russell A. Badders
Coordination
Steven R. Griffin
Beggs & Lane
P.O. Box 12950
Pensacola, FL 32591

Ms. Brenda Irizarry
Administrator, Regulatory

Tampa Electric Company
P.O. Box 111
Tampa, FL 33601-0111

Norman Horton, Jr.
Messer, Caparello & Self, P.A.
P.O. Box 1876
Tallahassee, FL 32302-1876

Joseph A. McGlothlin, Esq.
Office of Public Counsel
111 W. Madison St., Room 812
Tallahassee, FL 32399

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

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

Young van Assenderp, P.A.
Robert Scheffel Wright/John LaVia, III
225 South Adams St., Suite 200
Tallahassee, Florida 32301

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

John T. Butler, Esq.
Florida Power & Light Co.
9250 W. Flagler Street
Miami, FL 33102

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

Florida Power & Light Co.
Bill Walker
215 S. Monroe Street, Suite 810
Tallahassee, FL 32301

Michael B. Twomey
P.O. Box 5256
Tallahassee, FL 32314-5256