

ORIGINAL

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 Sent: Monday, May 15, 2006 3:32 PM
 To: Filings@psc.state.fl.us
 Cc: McGLOTHLIN.JOSEPH
 Subject: E-filing (doc.no. 06001-EI)
 Attachments: objections to PEF's 1st POD 5-15-06.doc

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Electronic Filing

a. Person responsible for this electronic filing:

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 Office of Public Counsel
 c/o The Florida Legislature
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b. Docket No. 060001-EI

In re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 5 pages.

e. The document attached for electronic filing is Citizens' Objection PEF's 1st POD.

(See attached file: 060001 objections to PEF's 1st POD 5-15-06.doc)

Thank you for your attention and cooperation to this request.

Asha Maharaj-Lucas
 Secretary to Joseph A. McGlothlin, Associate Public Counsel.
 Office of Public Counsel
 Telephone: (850) 488-9330
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DOCUMENT NUMBER-DATE

04278 MAY 15 06

FPSC-COMMISSION CLERK

5/15/2006

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

Docket No. 060001-EI

Submitted for Filing: May 15, 2006

**OPC'S OBJECTIONS TO PROGRESS ENERGY FLORIDA'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS**

Pursuant to Order No. PSC-06-0207-PCO-EI, issued on March 15, 2006 the Florida Office of Public Counsel (OPC), by and through its undersigned attorney, submits the following Objections to Progress Energy Florida, Inc's (PEF) First Request for Production of Documents to Office of Public Counsel.

GENERAL OBJECTIONS

1. OPC objects to the requests to the extent that they are overbroad and/or unduly burdensome.
2. OPC objects to the requests to the extent that they are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
3. OPC objects to the requests to the extent they would require OPC to provide documents that are subject to the attorney work product privilege.

4. OPC objects to the requests to the extent they would require OPC to provide documents that are confidential and/or proprietary.

SPECIFIC OBJECTIONS

REQUEST NO. 2: Work papers, spreadsheets, electronic files, data, information, or other materials referred to and/or relied upon by the Witness in the course of preparing the Affidavit other than materials that PEF provided to the Witness or to OPC in discovery.

OBJECTION TO REQUEST NO. 2: OPC incorporates General Objection No. 4. OPC is informed the request may encompass materials that are the subject of protection in the form of “subscription only” provisions or similar limitations on the witness’ ability to provide the documents. OPC will attempt to provide the documents and/or identify those that PEF may already have by virtue of its own subscription.

REQUEST NO. 3: All correspondence, including but not limited to e-mail, facsimiles or other written or electronic communications, between OPC and the Witness.]

OBJECTION TO REQUEST NO. 3: OPC incorporates General Objection No. 3.

REQUEST NO. 6: To the extent not provided in response to Request 2 above, source documents used to create the Affidavit.

OBJECTION TO REQUEST NO. 6: OPC incorporates General Objections Nos. 3 and 4.

REQUEST NO. 9: On Page 5, section 4(d) of the Affidavit, Mr. Sansom states that, “World coal market prices were at high levels.” Please provide all documents, materials, information and/or data that Mr. Sansom relied upon to come to this conclusion.

OBJECTION TO REQUEST NO. 9: OPC incorporates General Objections Nos. 1 and 4. To require Mr. Sansom to identify every document in the entire universe of sources that support the observation that “world coal market prices were at high levels” would be overbroad and unduly burdensome. Mr. Sansom will make a reasonable effort to identify those sources which he took into account at the time.

Harold McLean
Public Counsel

s/Joseph A. McGlothlin
Joseph A. McGlothlin
Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
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(850) 488-9330

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Office of Public Counsel's Objections to Progress Energy Florida's first request for production of documents has been furnished by electronic mail and U.S. Mail on this 15th day of May, 2006, to the following:

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