

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 060001-EI COMMISSION CLERK
Filed: July 10, 2006

PEF'S OBJECTIONS TO OPC'S FIFTH SET OF INTERROGATORIES (NOS. 28-32)

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") Fifth Set of Interrogatories to PEF, Nos. 28-32, and states as follows:

GENERAL OBJECTIONS

With respect to the "Definitions" and "Instructions" in OPC's Fifth 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

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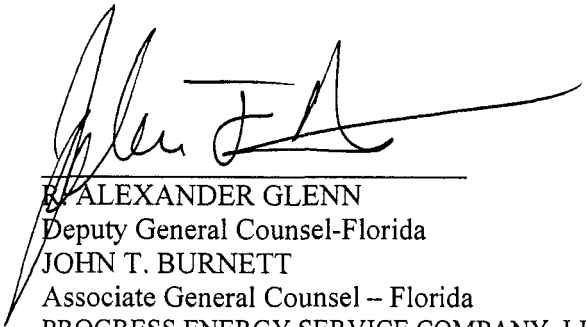
that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

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

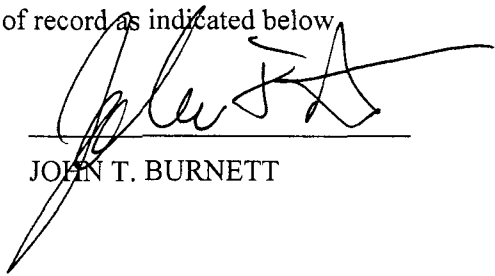
Interrogatory 28: PEF objects to Interrogatory 28 to the extent that it is overly broad. PEF will provide responsive documents, if any, concerning any such repairs and/or modifications that were directly related to or impacted by the test burn.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail this 7th day of July, 2006 to all parties of record as indicated below



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