

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 060001-EI

Submitted for Filing: September 5, 2006

**PEF'S OBJECTIONS TO OPC'S NINTH SET OF
INTERROGATORIES (Nos. 53-54)**

Pursuant to Fla. Admin. Code R. 28-106.206, and Rule 1.340, Fla. R. Civ. P., Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Office of Public Counsel's ("OPC's") Ninth Set of Interrogatories (Nos. 53-54) and states as follows:

GENERAL OBJECTIONS

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

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.

DOCUMENT NUMBER-DATE

08135 SEP-5 06

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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 No. 53: PEF objects to Interrogatory No. 53 as unduly burdensome because the information sought is already in the possession of OPC. OPC has been a party to all GPIF proceedings at issue in these interrogatories and as such has been provided documents containing information responsive to every sub-question asked in Interrogatory No. 53. Thus, PEF has already provided documentation to OPC that would satisfy the requirements of Rule 1.340, Fla. R. Civ. P. if such documentation was originally produced herewith.

Interrogatory No. 54: PEF objects to Interrogatory No. 54 as unduly burdensome because the information sought is already in the possession of OPC. OPC has been a party to all GPIF proceedings at issue in these interrogatories and as such has been provided documents containing information responsive to every sub-question asked in Interrogatory No. 54. Thus, PEF has already provided documentation to OPC that would satisfy the requirements of Rule 1.340, Fla. R. Civ. P. if such documentation was originally produced herewith.

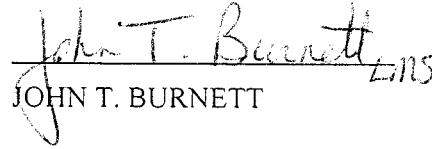
Respectfully submitted,



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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 5th day of September, 2006 to all parties of record as indicated below.


JOHN T. BURNETT

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