

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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Docket No. 060001-EI

Submitted for Filing: September 15, 2006

**PEF'S OBJECTIONS TO OPC'S TENTH SET OF  
INTERROGATORIES (Nos. 62-66)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Fla. R. Civ. P., Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Office of Public Counsel's ("OPC's") Tenth Set of Interrogatories (Nos. 62-66) and states as follows:

**GENERAL OBJECTIONS**

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

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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. 62(a):** PEF objects to Interrogatory No. 62(a) as irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence. The information requested for years 2000 through 2004 is not relevant or material to any issue in this proceeding. Subject to and without waiving any of these objections or any of PEF's general objections, PEF will provide the requested data for years 2005.

**Interrogatory No. 62(d):** PEF objects to Interrogatory No. 62(d) as irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence to the extent it asks for data before 2005. Subject to and without waiving any of these objections or any of PEF's general objections, PEF will provide the requested data for years 2005 to the present.

**Interrogatory No. 62(f):** PEF objects to Interrogatory No. 62(f) as irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence to the extent it asks for data before 2005. Subject to and without waiving any of these objections or any of PEF's general objections, PEF will provide the requested data for years 2005 to the present.

**Interrogatory No. 62(g):** PEF objects to Interrogatory No. 62(g) as irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence to the extent it asks for data before 2005. Subject to and without waiving any of these objections or any of PEF's general objections, PEF will provide the requested data for years 2005 to the present.

**Interrogatory No. 62(h):** PEF objects to Interrogatory No. 62(h) as irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence to the extent it asks for data before 2005.

Subject to and without waiving any of these objections or any of PEF's general objections, PEF will provide the requested data for years 2005 to the present.

**Interrogatory No. 63:** PEF objects to Interrogatory No. 63 as irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence to the extent it asks for data before 2005.


Subject to and without waiving any of these objections or any of PEF's general objections, PEF will provide the requested data for years 2005 to the present.

**Interrogatory No. 65(a):** PEF objects to Interrogatory No. 65(a) as irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence. The information requested for years 2000 through 2004 is not relevant or material to any issue in this proceeding. Subject to and without waiving any of these objections or any of PEF's general objections, PEF will provide the requested data for years 2005.

**Interrogatory No. 65(b):** PEF objects to Interrogatory No. 65(b) as irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence.

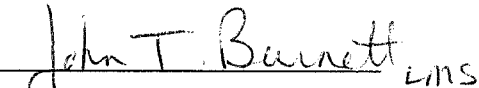
**Interrogatory No. 66:** PEF objects to Interrogatory No. 66 as irrelevant, immaterial, and not likely to lead to the discovery of admissible evidence. The information requested for years 2000 through 2004 is not relevant or material to any issue in this proceeding. Subject to and without waiving any of these objections or any of PEF's general objections, PEF will provide the requested information for years 2005.

Respectfully submitted,

  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the PEF's Objections to OPC's 10<sup>th</sup> Set of Interrogatories (Nos. 62-66) has been furnished via U.S. Mail this 15<sup>th</sup> day of September, 2006 to all parties of record as indicated below.

  
JOHN T. BURNETT

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