

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: October 9, 2006

**PEF'S OBJECTIONS TO WHITE SPRING'S FIRST SET OF  
INTERROGATORIES (Nos. 1-2)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Florida Rules of Civil Procedure, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to White Springs Agricultural Chemicals, Inc. D/B/A PCS Phosphate ("White Springs") First Set of Interrogatories (Nos. 1-2) and states as follows:

**GENERAL OBJECTIONS**

With respect to the "Definitions" and "Instructions" in White Springs' First Set of Interrogatories, PEF objects to any definitions or instructions that are inconsistent with PEF's discovery obligations under applicable rules. PEF will comply with its obligations under applicable rules and not with any of White Springs' definitions or instructions that are inconsistent with those rules. PEF will also follow the FPSC Order governing procedure (Order No. PSC-06-0207-PCO-EI) dated March 15, 2006 and not any instructions to the contrary. Additionally, White Springs has framed its discovery as Interrogatories when, in fact, they are really Requests for Production of Documents. Therefore, PEF will construe White Springs' discovery as Requests for Production of Documents and will produce responsive documents thereto.

PEF specifically objects to White Springs' instruction (1) as being inconsistent with the Florida Rules of Civil Procedure.

PEF specifically objects to White Springs' instruction (4). The requested documents can be viewed at the PEF office in Tallahassee, Florida at 106 E. College Avenue, Suite 800, or copies can be made and sent to White Springs at White Springs' expense.

DOCUMENT NUMBER-DATE  
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PEF also specifically objects to White Springs' instruction (5). PEF objects to any definition or instruction 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 White Springs' requests 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.

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

#### **SPECIFIC OBJECTIONS**

**Interrogatory No. PCS-1-1:** PEF objects to Interrogatory No. PCS-1-1 as vague and overbroad. Subject to and without waiving these objections or any of PEF's general objections, PEF will interpret this Interrogatory as a request for all documents produced in this docket to date.

  
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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 9<sup>th</sup> day of October, 2006 to all parties of record as indicated below.

  
JOHN T. BURNETT *Lms*

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