

**Matilda Sanders**

**ORIGINAL**

**From:** Costello, Jeanne [JCostello@CarltonFields.com]  
**Sent:** Monday, November 20, 2006 2:39 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Cecilia Bradley; Jack Shreve; Joseph A. McGlothlin; Michael Twomey; John McWhirter, Jr.; Bill Walker; R. Wade Litchfield; Tim Perry; Susan D. Ritenour; Robert Scheffel Wright; Norton H. Horton, Jr.; Lisa Bennett; Brenda Irizarry; Lt. Col. Karen White; Jeffrey A. Stone; Cheryl Martin; James D. Beasley; James W. Brew  
**Subject:** Petition on behalf of Citizens Docket No. 060658  
**Attachments:** PEF Objections to OPC 1st Interr (Nos. 1-18).pdf

Attached for filing on behalf of Progress Energy Florida is Progress Energy Florida, Inc.'s Objections to OPC's First Set of Interrogatories (Nos. 1-18).

Jeanne Costello  
 Legal Administrative Assistant  
 James Michael Walls/ Dianne M. Triplett  
 Carlton Fields  
 4221 W. Boy Scout Blvd., Ste. 1000  
 Tampa, FL 33607  
 Email: jcostello@carltonfields.com  
 Direct Dial: (813) 229-4917  
 Fax: (813) 229-4133  
 www.carltonfields.com

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ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition on behalf of Citizens of the  
State of Florida to require Progress Energy  
Florida, Inc. to refund to customers \$143 million

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Docket No. 060658-EI

Submitted for Filing: November 20, 2006

**PEF'S OBJECTIONS TO OPC'S FIRST SET OF  
INTERROGATORIES (Nos. 1-18)**

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") First Set of Interrogatories (Nos. 1-18) and states as follows:

**GENERAL OBJECTIONS**

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

Further, PEF reserves the right to supplement any of its responses to OPC's Interrogatories if PEF cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if PEF later discovers additional responsive information in the course of this proceeding.

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. 1(a):** PEF objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible evidence. Additionally, PEF objects to the data requested from 2000-2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC.

**Interrogatory No. 1(b) 1:** PEF objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible evidence. Additionally, PEF objects to the data requested from 2000-2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC.

**Interrogatory No. 1(b) 2:** PEF objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible evidence. Additionally, PEF objects to the data requested from 2000-2004 since such data has no relevance to or bearing on this proceeding. PEF further objects to this interrogatory as overly broad and burdensome because it requires PEF to search for, locate, and explain "any and all payments" made to PEF affiliates (which is not defined), who are not

parties to this proceeding, for a five-year period of time. Subject to and without waiving these objections or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF.

**Interrogatory No. 2:** PEF objects to the data requested from 2000-2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC.

**Interrogatory No. 3:** PEF objects to the data requested from 2000-2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC.

**Interrogatory No. 4:** PEF objects to the data requested from 2000-2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC.

**Interrogatory No. 5:** PEF objects to the data requested from 2002-2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC.

**Interrogatory No. 6:** PEF objects to the data requested for 2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC.

**Interrogatory No. 7:** PEF objects to the data requested for 2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF.

**Interrogatory No. 8:** PEF objects to the data requested for 2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC.

**Interrogatory No. 9:** PEF objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible evidence. Additionally, PEF objects to the data requested from 2000-2004 since such data has no relevance to or bearing on this proceeding. PEF further objects to this interrogatory because it is vague, ambiguous and confusing and therefore difficult to understand what is being requested. Subject to and without waiving these objections or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC based on its understanding of what information is being requested in the interrogatory.

**Interrogatory No. 10:** PEF objects to this interrogatory as vague, ambiguous and confusing because the interrogatory does not define what OPC means by the use of the term "economical" and includes what appears to be a typographical error. PEF also objects to the data requested from 2000-2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving these objections or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC based on its understanding of what the term "economical" means in this interrogatory and what it believes is the correction of the apparent typographical error.

**Interrogatory No. 11:** PEF objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible evidence. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory.

**Interrogatory No. 12:** PEF objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible evidence. In addition, PEF objects to the information requested for the year 2000 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving these objections or any of PEF's general objections, PEF will answer this interrogatory.

**Interrogatory No. 13:** PEF objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible evidence.

**Interrogatory No. 14:** PEF objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible evidence. Additionally, PEF objects to the data requested from 2000-2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC.

**Interrogatory No. 15:** PEF objects to this interrogatory as vague and confusing given that OPC does not define what "synfuel" the question is referring to, nor does it set any chronological limitation to the "months" referred to in the question. PEF further objects to the data requested from 2000-2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving these objections or any of PEF's general objections, PEF will interpret this question as asking for any synfuel in storage (inventory) that was held for the benefit of and/or use for Crystal River Units 4 and 5 for the years indicated in the document entitled "Annual Synfuel Delivered to Crystal River" previously produced to OPC in discovery by PEF.

**Interrogatory No. 16:** PEF objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible evidence. Additionally, PEF objects to the data requested from 2000-2004 since such data has no relevance to or bearing on this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC.

**Interrogatory No. 17:** PEF objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible evidence. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC.

**Interrogatory No. 18:** PEF objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible evidence. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this interrogatory with respect to PEF and PFC.

Respectfully submitted,



R. Alexander Glenn  
Deputy General Counsel – Florida  
John T. Burnett  
Associate General Counsel  
PROGRESS ENERGY SERVICE  
COMPANY, LLC  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
(33607)  
Telephone: (727) 820-5587  
Facsimile: (727) 820-5519

Gary L. Sasso  
Florida Bar No. 0622575  
James Michael Walls  
Florida Bar No. 0706242  
Dianne M. Triplett  
Florida Bar No. 0872431  
CARLTON FIELDS, P.A.  
4421 W. Boy Scout Blvd., Ste. 1000  
Ste. 1000 (33607)  
Post Office Box 3239  
Tampa, FL 33601-3239  
Telephone: (813) 223-7000  
Facsimile: (813) 229-4133

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the PEF's Objections to OPC's 1<sup>st</sup> Set of Interrogatories (Nos. 1-18) has been furnished via U.S. Mail this 20<sup>th</sup> day of November, 2006 to all parties of record as indicated below.

Dann M. Vajett  
Attorney

Joseph A. McGlothlin  
Associate Public Counsel  
Office of the Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

Jack Shreve  
Senior General Counsel  
Cecilia Bradley  
Senior Assistant Attorney General  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050

Michael B. Twomey  
P.O. Box 5256  
Tallahassee, FL 32314-5256

John McWhirter, Jr.  
McWhirter, Reeves Law Firm  
400 North Tampa Street, Ste. 2450  
Tampa, FL 33602

Bill Walker  
Florida Power & Light Co.  
215 S. Monroe St., Ste. 810  
Tallahassee, FL 32301-1859

R. Wade Litchfield  
John T. Butler  
Natalie Smith  
Florida Power & Light Co.  
700 Universe Blvd.  
Juno Beach, FL 33408-0420

Tim Perry  
McWhirter Law Firm  
117 South Gadsden Street  
Tallahassee, FL 32301

Susan D. Ritenour  
Richard McMillan  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

Robert Scheffel Wright  
Young van Assenderp, P.A.  
225 S. Adams St., Ste. 200  
Tallahassee, FL 32301

Norman H. Horton, Jr.  
Fred R. Self  
Messer Law Firm  
P.O. Box 1876  
Tallahassee, FL 32302-1876



Lisa Bennett  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Brenda Irizarry  
Tampa Electric Company  
P.O. Box 111  
Tampa, FL 33602-0111