

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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 1st Set of Interrogatories (Nos. 1-18) has been furnished via U.S. Mail this 20th day of November, 2006 to all parties of record as indicated below.

Dianne M. Vajelt
Attorney

Joseph A. McGlothin
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