

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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COMMISSION  
CLERK

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: February 5<sup>th</sup>, 2007

**PEF'S OBJECTIONS TO OPC'S FOURTH SET OF  
INTERROGATORIES (Nos. 35-41)**

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") Fourth Set of Interrogatories (Nos. 35-41).

**GENERAL OBJECTIONS**

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

CMP \_\_\_\_\_ rules. Furthermore, PEF objects to any interrogatory that calls for PEF to create data or information that  
COM \_\_\_\_\_ it otherwise does not have because there is no such requirement under the applicable rules and law.

CTR \_\_\_\_\_  
ECR \_\_\_\_\_ PEF objects to OPC's definition "(i)" given that it includes "affiliates" in the definitions of "PEF"  
GCL \_\_\_\_\_ and "Progress Fuels." PEF objects to any definition or interrogatory that seeks to encompass persons or  
OPC \_\_\_\_\_ entities who are not parties to this action or that are not subject to discovery under applicable rules.

RCA \_\_\_\_\_  
SCR \_\_\_\_\_ Additionally, PEF generally objects to OPC's interrogatories to the extent that they call for data  
SGA \_\_\_\_\_ or information protected by the attorney-client privilege, the work product doctrine, the accountant-client  
SEC \_\_\_\_\_ privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law.

OTH \_\_\_\_\_

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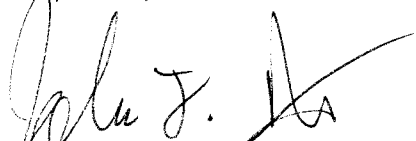
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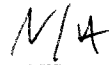
Finally, PEF reserves the right to supplement any of its responses to OPC's Interrogatories if PEF cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if PEF later discovers additional responsive information in the course of this proceeding.

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.

Respectfully submitted,



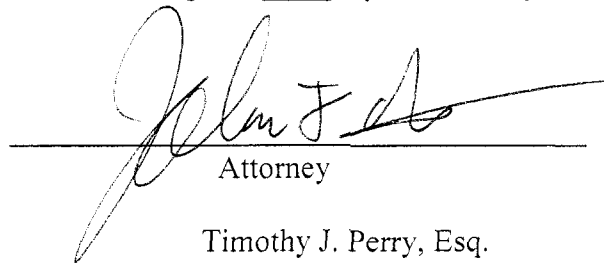
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### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Objections to Citizens' Fourth Set of Interrogatories (35-41), in Docket No. 060658-EI have been furnished by regular U.S. mail to the following this 24 day of February, 2007.

  
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