

ORIGINAL

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: February 19, 2005

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PEF'S OBJECTIONS TO STAFF'S SECOND SET OF INTERROGATORIES (Nos. 16-60)

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 General Counsel's ("Staff's") Second Set of Interrogatories (Nos. 16-60).

GENERAL OBJECTIONS

PEF generally objects to Staff's interrogatories to the extent that they call for data or information

CMP \_\_\_\_\_ protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the

COM \_\_\_\_\_ trade secret privilege, or any other applicable privilege or protection afforded by law.

CTR \_\_\_\_\_

PEF also objects to any Interrogatory or Request for Production that purports to require PEF or its

ECR \_\_\_\_\_

GCL \_\_\_\_\_ experts to prepare studies, analyses, or to do work for Staff that has not been done for PEF, presumably at

OPC \_\_\_\_\_ PEF's cost.

RCA \_\_\_\_\_ Finally, PEF reserves the right to supplement any of its responses to Staff's Interrogatories if PEF

SCR \_\_\_\_\_ cannot locate the answers immediately due to their magnitude and the work required to aggregate them,

SGA \_\_\_\_\_ or if PEF later discovers additional responsive information in the course of this proceeding.

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

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## **SPECIFIC OBJECTIONS**

**Interrogatory 20:** PEF objects to this interrogatory, in part, because it requests that documents be produced, as if it were a request for production of documents, rather than questions to be answered as is proper in interrogatories.

**Interrogatory 26:** PEF objects to this interrogatory, in part, because it requests that documents be produced, as if it were a request for production of documents, rather than questions to be answered as is proper in interrogatories.

**Interrogatory 29:** PEF objects to this interrogatory to the extent Staff's use of the term "Progress Energy" is intended to illicit information regarding Progress Energy, Inc. rather than Progress Energy Florida, Inc.

**Interrogatory 33:** PEF objects to this interrogatory as overbroad and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence. PEF further objects because it requests that documents be produced, as if it were a request for production of documents, rather than questions to be answered as is proper in interrogatories.

**Interrogatory 36:** PEF objects to this interrogatory to the extent it attempts to illicit information regarding entities other than PEF or those acting on PEF's behalf. PEF further objects because it requests that documents be produced, as if it were a request for production of documents, rather than questions to be answered as is proper in interrogatories.

**Interrogatory 37:** PEF objects to this interrogatory as overbroad and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence. PEF also objects to this interrogatory because it seeks, in part, to illicit information regarding entities other than PEF or those acting solely on PEF's behalf.

**Interrogatory 39:** PEF objects to this interrogatory to the extent it seeks to illicit information regarding entities other than PEF or those acting on PEF's behalf.

**Interrogatory 46:** PEF objects to this interrogatory as overbroad and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence.

**Interrogatory 50:** PEF objects to this interrogatory, in part, as irrelevant, overbroad, is not likely to lead to the discovery of admissible evidence, and is unduly burdensome. Specifically, PEF objects to the information requested from January 1, 1990 through December 31, 1995, since such information is not relevant or material to any issue in this proceeding.

**Interrogatory 51:** PEF objects to this interrogatory as overbroad and calling, in part, for information that is irrelevant and not likely to lead to the discovery of admissible evidence.

**Interrogatory 52:** PEF objects to this interrogatory to the extent it asks PEF to provide information that is not in PEF's possession, custody or control.

**Interrogatory 54:** PEF objects to this interrogatory to the extent it asks PEF to do work or perform analyses for staff, presumably at PEF's expense, where such work or analyses have not been previously done for PEF.

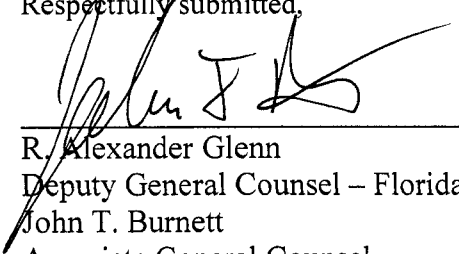
**Interrogatory 55:** PEF objects to this interrogatory to the extent it asks PEF to do work or perform analyses for staff, presumably at PEF's expense, where such work or analyses have not been previously done for PEF.

**Interrogatory 58:** PEF objects to this interrogatory to the extent it asks PEF to do work or perform analyses for staff, presumably at PEF's expense, where such work or analyses have not been previously done for PEF.

**Interrogatory 59:** PEF objects to this interrogatory to the extent it asks PEF to do work or perform analyses for staff, presumably at PEF's expense, where such work or analyses have not been previously done for PEF.

**Interrogatory 60:** PEF objects to this interrogatory to the extent it asks for information regarding PFC's efforts for any entities other than PEF.

Respectfully submitted,

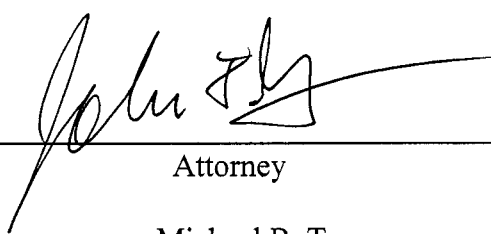
  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Objections to Staff's Second Set of Interrogatories (16-60), in Docket No. 060658-EI have been furnished by regular U.S. mail to the following this 14<sup>th</sup> day of February, 2007.

  
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