

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: March 19, 2007

**PEF'S OBJECTIONS TO STAFF'S FOURTH SET OF  
INTERROGATORIES (Nos. 78-92)**

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") Fourth Set of Interrogatories (Nos. 78-92).

**GENERAL OBJECTIONS**

PEF generally objects to Staff'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.

PEF objects to Staff interrogatories to the extent that they attempt to evade the numerical limitations set forth in the Order Establishing Procedure, Order No. PSC-07-0048-PCO-EI by using subparts.

PEF also objects to any Interrogatory or Request for Production that purports to require PEF or its experts to prepare studies, analyses, or to do work for Staff that has not been done for PEF, presumably at PEF's cost.

Finally, PEF reserves the right to supplement any of its responses to Staff'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 Staff's discovery at the time PEF's response is due.

### **SPECIFIC OBJECTIONS**

**Interrogatory 78(c)**: 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. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this question with information and facts in PEF's possession.

**Interrogatory 79(a)**: PEF objects to this interrogatory as it calls for information that is irrelevant, immaterial, is not likely to lead to the discovery of admissible evidence, and is beyond the scope of issues involved in this proceeding. PEF also 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. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this question with information and facts in PEF's possession.

**Interrogatory 79(b)**: PEF objects to this interrogatory as it calls for information that is irrelevant, immaterial, is not likely to lead to the discovery of admissible evidence, and is beyond the scope of issues involved in this proceeding. In addition, the interrogatory is vague because "impact" is not defined. PEF also 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. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this question with information and facts in PEF's possession.

**Interrogatory 83(c)**: PEF objects to this interrogatory as vague and overbroad given that "derate" is not defined and could encompass any derates of any magnitude for any reason. Subject to and without waiving this objection or any of PEF's general objections, PEF will respond as to any fuel caused derates of which PEF is aware.

**Interrogatory 83(d)**: PEF objects to this interrogatory as vague and overbroad given that “de-rate” is not defined and could encompass any derates of any magnitude for any reason. Subject to and without waiving this objection or any of PEF’s general objections, PEF will respond as to any fuel caused derates of which PEF is aware.

**Interrogatory 83(e)**: PEF objects to this interrogatory as vague and overbroad given that “de-rate” is not defined and could encompass any derates of any magnitude for any reason. Subject to and without waiving this objection or any of PEF’s general objections, PEF will respond as to any fuel caused derates of which PEF is aware.

**Interrogatory 83(f)**: PEF objects to this interrogatory as vague and overbroad given that “de-rate” is not defined and could encompass any derates of any magnitude for any reason. Subject to and without waiving this objection or any of PEF’s general objections, PEF will respond as to any fuel caused derates of which PEF is aware.

**Interrogatory 84(a)**: PEF objects to this interrogatory as vague given that “de-rate” is not defined, but PEF assumes Staff means “derates” addressed in Mr. Crisp’s testimony.

**Interrogatory 86(e)**: PEF objects to this interrogatory to the extent it seeks to illicit information regarding PFC’s efforts for entities other than PEF.

**Interrogatory 87(a)**: PEF objects to this interrogatory because it calls for speculation and would cause PEF to guess what may have influenced third party PRB producers. Subject to and without waiving this objection or any of PEF’s general objections, PEF will respond as to any information PEF may have on this topic.

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 Fourth Set of Interrogatories (78-92), in Docket No. 060658-EI have been furnished by regular U.S. mail to the following this 19 day of March, 2007.

  
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