

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition by Progress Energy Florida, Inc.  
to recover costs of Crystal River Unit 3  
update through fuel clause

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Docket No. 070052-EI

Submitted for Filing: June 7, 2007

**PEF'S OBJECTIONS TO FIPUG'S FIRST  
REQUEST TO PRODUCE DOCUMENTS (Nos. 1-6)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.350 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Florida Industrial Power Users Group's ("FIPUG's") First Request to Produce Documents (Nos. 1-6) and states as follows:

**GENERAL OBJECTIONS**

PEF generally objects to the time and place of production requirement in FIPUG's First Request to Produce Documents and will make all responsive documents available for inspection and copying at the offices of Progress Energy Florida, Inc., 106 E. College Ave., Tallahassee, Florida, 32301 at a mutually-convenient time, or will produce the documents in some other manner or at some other place that is mutually convenient to both PEF and FIPUG for purposes of inspection, copying, or handling of the responsive documents.

With respect to the "Definitions" in FIPUG's First Request to Produce Documents, 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 FIPUG's definitions or instructions that are inconsistent with those rules. PEF objects to any definition or request that seeks to encompass persons or entities other than PEF who are not parties to this action and that are otherwise not subject to discovery. Furthermore, PEF objects to any request that calls for PEF to create

documents that it otherwise does not have because there is no such requirement under the applicable rules and law.

Additionally, PEF generally objects to FIPUG's requests to the extent that they call for documents 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 will provide a privilege log in accordance with the applicable law or as may be agreed to by the parties to the extent, if at all, that any document request calls for the production of privileged or protected documents.

Further, in certain circumstances, PEF may determine upon investigation and analysis that documents responsive to certain requests to which objections are not otherwise asserted are confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to provide such information in response to such a request, PEF is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement, protective order, or the procedures otherwise provided by law or in the Order Establishing Procedure. PEF hereby asserts its right to require such protection of any and all information that may qualify for protection under the Florida Rules of Civil Procedure, the Order Establishing Procedure, and all other applicable statutes, rules, and legal principles.

PEF generally objects to FIPUG's First Request to Produce Documents to the extent that it calls for the production of "all" documents of any nature, including, every copy of every document responsive to the requests. PEF will make a good faith, reasonably diligent attempt to identify and obtain responsive documents when no objection has been asserted to the production of such documents, but it is not practicable or even possible to identify, obtain, and produce "all" documents. In addition, PEF reserves the right to supplement any of its responses to FIPUG's

requests for production if PEF cannot produce documents immediately due to their magnitude and the work required to aggregate them, or if PEF later discovers additional responsive documents in the course of this proceeding.

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 FIPUG that has not been done for PEF, presumably at PEF's cost.

By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to FIPUG's discovery at the time PEF's response is due under the Florida Rules of Civil Procedure and the Order Establishing Procedure. PEF provides these general objections at this time to comply with the intent of the Order Establishing Procedure to reduce the delay in identifying and resolving any potential discovery disputes.

### **SPECIFIC OBJECTIONS**

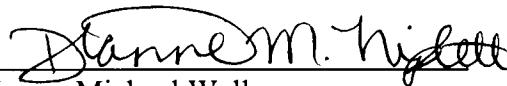
**Request 3:** PEF objects to this request to the extent it asks PEF to make copies of documents for FIPUG that were produced in response to OPC's discovery request. Documents produced in response to this request will be made available to FIPUG at a mutually convenient place and time for inspection or copying (at FIPUG's expense).

**Request 4:** PEF objects to FIPUG's request number 4 because that request calls, in part, for PEF to produce data in certain electronic forms irrespective of whether or not PEF has the data in question in the electronic formats sought. If PEF has any responsive data in the electronic forms requested, PEF will provide that data to FIPUG in those forms. Otherwise, PEF will produce data to FIPUG in hard-copy format.

**Request 5:** PEF objects to this request to the extent it asks PEF to make copies of documents for FIPUG that were produced in response to Staff's discovery. PEF has already produced these documents to counsel for FIPUG, by email dated May 24, 2007.

**Request 6:** PEF objects to FIPUG's request number 6 because that request calls, in part, for PEF to produce data in certain electronic forms irrespective of whether or not PEF has the data in question in the electronic formats sought. If PEF has any responsive data in the electronic forms requested, PEF will provide that data to FIPUG in those forms. Otherwise, PEF will produce data to FIPUG in hard-copy format.

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  
Telephone: (727) 820-5587  
Facsimile: (727) 820-5519

  
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 (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 Progress Energy Florida, Inc.'s Objections to FIPUG's First Request for Production (Nos. 1-6), in Docket No. 070052-EI has been furnished by regular U.S. mail to the following this 7<sup>th</sup> day of June, 2007.

  
Attorney

Joseph McGlothlin  
Office of the Public Counsel  
c/o The Florida Legislature  
111 W. Madison St., Room 812  
Tallahassee, FL 32399

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

Administrative Procedures Committee  
Room 120 Holland Building  
Tallahassee, FL 32399-1300

Mike Twomey  
P.O. Box 5256  
Tallahassee, FL 32314

Dept. of Community Affairs  
Charles Gauthier  
Division of Community Planning  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

Beth Keating  
106 E. College Ave. Ste. 1200  
Tallahassee, FL 32301

Department of Environmental Protection  
Michael P. Halpin  
2600 Blairstone Road MS 48  
Tallahassee, FL 32301

Fla. Cable Communications Assoc.  
246 E. 6<sup>th</sup> Avenue, Ste. 100  
Tallahassee, FL 32303

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

Robert Scheffel Wright  
225 S. Adams Street, Ste. 200  
Tallahassee, FL 32301

James W. Brew  
Brickfield, Burchette, Ritts & Stone, P.A.  
1025 Thomas Jefferson St., NW  
Eighth Floor, West Tower  
Washington, DC 20007-5201

Karin S. Torain  
PCS Administration (USA), Inc.  
Suite 400  
1101 Skokie Blvd.  
Northbrook, IL 60062