

Matilda Sanders

From: Tibbetts, Arlene [Arlene.Tibbetts@pgnmail.com]
Sent: Tuesday, January 22, 2008 1:23 PM
To: Filings@psc.state.fl.us
Cc: Kelly.JR@leg.state.fl.us; Lisa Bennett; Keino Young; mwalls@carltonfields.com; Triplett, Dianne
Subject: Docket 070703 Filing: PEF Objections to OPC's First Set of Interrogatories (Nos. 1-3)
Attachments: 070703-Objections to 1st ROGs.pdf

This electronic filing is made by:

John Burnett
P.O. Box 14042
St. Petersburg, FL 33733
727-820-5184
John.Burnett@pgnmail.com

Docket: 070703-EI

In re: Review of coal costs for Progress Energy's Crystal River Units 4 and 5 for 2006 and 2007

On behalf of Progress Energy Florida

Consisting of 3 pages

The attached document for filing is PEF's Objections to OPC's First Set of Interrogatories (Nos. 1-3)

<<070703-Objections to 1st ROGs.pdf>>

1/22/2008

DOCUMENT NUMBER-DATE

00526 JAN 22 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of coal costs for Progress
Energy Florida's Crystal River Units 4 and
5 for 2006 and 2007

Docket No. 070703-EI

Submitted for Filing: January 22, 2008

**PEF'S OBJECTIONS TO OPC'S FIRST SET OF
INTERROGATORIES (Nos. 1-3)**

Pursuant to Fla. Admin. Code R. 28-106.206 and 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. 1-3).

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 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.

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

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.

DOCUMENT NUMBER-DATE

00526 JAN 22 8

FPSC-COMMISSION CLERK

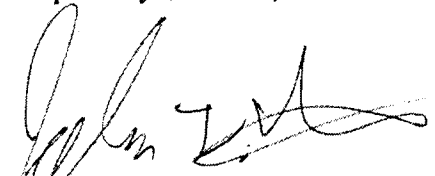
Finally, PEF reserves the right to supplement any of its responses to OPC's Interrogatories if PEF cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if PEF later discovers additional responsive information in the course of this proceeding.

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.

SPECIFIC OBJECTIONS

Interrogatory 3: PEF objects to Interrogatory 1 as vague, confusing, and ambiguous. Subject to and without waiving this objection or any of PEF's general objections, PEF interprets the question to mean: "Did PEF have a contract with KRT to supply coal to CR 4&5 via water route in 2007 and if so, what was the tonnage specified in the contract and what was the actual amount received by PEF in 2007," and PEF will respond accordingly.

Respectfully submitted,

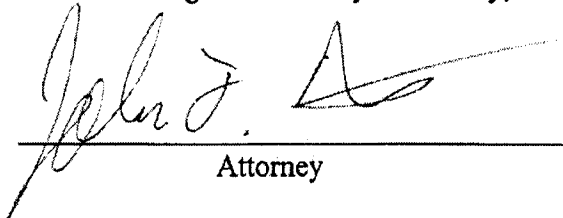


R. Alexander Glenn
Deputy General Counsel – Florida
John T. Burnett
Associate General Counsel
PROGRESS ENERGY SERVICE
COMPANY, LLC
Post Office Box 14042
St. Petersburg, FL 33733-4042
Telephone: (727) 820-5587
Facsimile: (727) 820-5519

James Michael Walls
Florida Bar No. 0706242
Diane M. Triplett
Florida Bar No. 0872431
CARLTON FIELDS, P.A.
4421 W. Boy Scout Blvd.
Suite 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 Citizens' First Set of Interrogatories (Nos. 1-3), in Docket No. 070703-EI have been furnished by regular U.S. mail to the following this 22nd day of January, 2008.



Attorney

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

J. R. Kelly, Esq.
Office of Public Counsel
111 W. Madison St., Room 812
Tallahassee, FL 32399