

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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Docket No. 070703-EI

Submitted for Filing: February 5, 2008

**PEF'S OBJECTIONS TO OPC'S SECOND SET OF  
INTERROGATORIES (Nos. 4-8)**

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") Second Set of Interrogatories (Nos. 4-8).

**GENERAL OBJECTIONS**

With respect to the "Definitions" and "Instructions" in OPC's Second 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 objects to any attempt by OPC to evade any numerical limitations on the number of interrogatories allowed in this docket 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 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.

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.

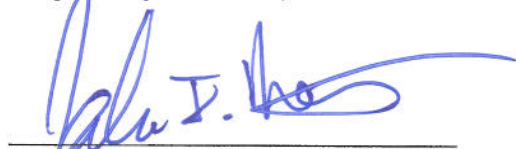
### **SPECIFIC OBJECTIONS**

**Interrogatory 4:** PEF objects to this interrogatory to the extent it attempts to elicit information regarding coal deliveries to Crystal River prior to the year 2006, since such information is not relevant or material to any issue in this proceeding. PEF also objects to this interrogatory to the extent it attempts to elicit information regarding coal deliveries to Crystal River for units other than Crystal River Units 4 and 5. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer the question as it relates to coal deliveries to Units 4 and 5 in 2006 and 2007.

**Interrogatory 5:** PEF objects to this interrogatory to the extent it attempts to elicit information regarding contractual arrangements for coal deliveries to Crystal River prior to the year 2006, since such information is not relevant or material to any issue in this proceeding. PEF also objects to this interrogatory to the extent it attempts to elicit information regarding contractual arrangements for coal deliveries to Crystal River for units other than Crystal River Units 4 and 5. PEF further objects to this interrogatory to the extent it attempts to elicit information regarding Progress Energy's contractual needs rather than the needs of Progress Energy Florida, Inc. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer the question as it relates to contractual arrangements for Progress Energy Florida, Inc.'s coal deliveries to Units 4 and 5 in 2006 and 2007.

**Interrogatory 6:** PEF objects to this interrogatory to the extent it attempts to elicit information regarding coal deliveries to Crystal River prior to the year 2006, since such information is not relevant or material to any issue in this proceeding. PEF also objects to this interrogatory to the extent it attempts to elicit information regarding coal deliveries to Crystal River for units other than Crystal River Units 4 and 5. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer the question as it relates to coal deliveries to Units 4 and 5 in 2006 and 2007.

Respectfully submitted,



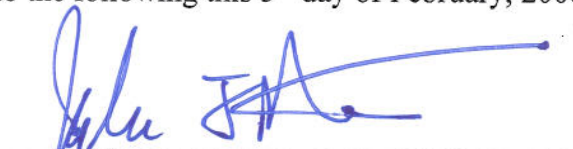
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Objections to Citizens' Second Set of Interrogatories (Nos. 4-8), in Docket No. 070703-EI have been furnished by regular U.S. mail to the following this 5<sup>th</sup> day of February, 2008.



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