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Subject: FPSC Docket No. 080148 - PCS Phosphate Objections to PEF's First Interrogatories
Attachments: PCS Objections to 1st PEF Interrogatories.doc

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- b. Docket No. 080148-EI, In Re: Petition for Determination of Need for Levy Units 1 and 2 Nuclear Power Plants
- c. Filed on behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs
- d. Total Pages = 8
- e. White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs' Objections To Progress Energy Florida, Inc.'s First Set of Interrogatories (attached as PCS Objections to 1st PEF Interrogatories.doc)

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DOCUMENT NUMBER-DATE

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**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

**In Re: Petition for Determination of
Need for Levy Units 1 and 2 Nuclear
Power Plants**)
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_____)

Docket No. 080148-EI

**WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.
d/b/a PCS PHOSPHATE – WHITE SPRINGS’ OBJECTIONS TO
PROGRESS ENERGY FLORIDA, INC.’S FIRST SET OF INTERROGATORIES**

Pursuant to Florida Administration Code R. 28-106.206 and Rule 1.340 of the Florida Rules of Civil Procedure, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate - White Springs (“PCS Phosphate”) hereby serves its objections to Progress Energy Florida, Inc.’s (“PEF”) First Set of Interrogatories and states as follows:

GENERAL OBJECTIONS

PCS Phosphate objects to any definitions or instructions that are inconsistent with PCS Phosphate’s discovery obligations under applicable rules. If some question arises as to PCS Phosphate’s discovery obligations, PCS Phosphate will comply with applicable rules and not with any of PEF’s definitions or instructions that are inconsistent with those rules. Furthermore, PCS Phosphate objects to any discovery request that calls for PCS Phosphate to create data or information that it otherwise does not have because there is no such requirement under the applicable rules of law.

PCS Phosphate objects to any discovery request that purports to require PCS Phosphate or its experts and witnesses it may retain to prepare studies, analyses, or to do work for PEF that has not been done for PCS Phosphate, presumably at PCS Phosphate’s cost.

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FPSC-COMMISSION CLERK

Additionally, PCS Phosphate generally objects to PEF's discovery requests 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, PCS Phosphate reserves the right to supplement any of its responses to PEF's discovery requests if PCS Phosphate cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if PCS Phosphate later discovers additional responsive information during the course of this proceeding.

By making these general and specific objections at this time, PCS Phosphate does not waive or relinquish its rights to assert additional general and specific objections to PEF's discovery.

SPECIFIC OBJECTIONS

3. Please provide the hourly rate witness Peter Bradford is charging White Springs for his services in this docket.

Objection:

In addition to the General Objections, PCS Phosphate objects to this request as irrelevant, immaterial and not likely to lead to the discovery of admissible evidence.

4. Please state when White Springs engaged witness Peter Bradford in this matter.

Objection:

In addition to the General Objections, PCS Phosphate objects to this request as irrelevant, immaterial and not likely to lead to the discovery of admissible evidence.

5. Please provide the amount of time witness Peter Bradford has spent on this matter.

Objection:

In addition to the General Objections, PCS Phosphate objects to this request as irrelevant, immaterial and not likely to lead to the discovery of admissible evidence.

6. Please provide the dollar amount witness Peter Bradford has billed White Springs for services provided related to this docket.

Objection:

In addition to the General Objections, PCS Phosphate objects to this request as irrelevant, immaterial and not likely to lead to the discovery of admissible evidence.

10 Please refer to page 4, lines 1-5 of Peter Bradford's Testimony. Please provide the net income, return on equity, and net profits of White Springs for 2007.

Objection:

In addition to the General Objections, PCS Phosphate objects to this request as irrelevant, immaterial and not likely to lead to the discovery of admissible evidence. PCS Phosphate also objects to this request to the extent it seeks publicly available information and/or already in PEF's possession.

19. Please state the factual basis for any authority for a precondition to the requested determination of need referred to in Peter Bradford's Testimony (on Page 9, Lines 6-8).

Objection:

In addition to the General Objections, PCS Phosphate objects to this request to the extent it calls for a legal opinion or conclusion.

27. Regarding the statement quoted in the previous interrogatory, explain how many nuclear power plants have been built in restructured markets, who built them, where they are located, what the contractual terms were (e.g. fixed price, indexed prices, etc.), and what cost recovery mechanisms exist for the costs to be recovered from users of the capacity and energy from such nuclear power plants.

Objection:

As stated in the General Objections, PCS Phosphate objects to this request to the extent it calls for PCS Phosphate to create data or information that it otherwise does not have because there is no such requirement under the applicable rules of law. In addition to the General Objections, PCS Phosphate objects to this request as vague, ambiguous and overbroad as the terms "contractual terms," and "cost recovery mechanisms" do not provide sufficient detail to adequately determine the information sought by the request. PCS Phosphate also objects to this request to the extent it calls for a legal opinion or conclusion.

29. Regarding the statement quoted in the previous interrogatory, please identify the paper mills and oil refineries you reviewed to make this statement and provide for each one reviewed market capitalization, net income, return on equity, and net profits of the company constructing the projects for the years reviewed.

Objection:

As stated in the General Objections, PCS Phosphate objects to this request to the extent it calls for PCS Phosphate to create data or information that it otherwise does not have because there is no such requirement under the applicable rules of law. In addition to the General Objections, PCS Phosphate objects to this request, and its subparts, as irrelevant, immaterial, unduly burdensome and not likely to lead to the discovery of admissible evidence.

40. In order to make the statement in Peter Bradford's Testimony (on Page 13, Lines 10-12) that there is an increasing likelihood that customers will be required to bear the costs of undiscovered imprudence in the Florida process, please explain what investigation you made to determine the competence of the Florida Public Service Commission and its Staff to conduct prudence reviews and the results of your investigation.

Objection:

In addition to the General Objections, PCS Phosphate objects to this request as irrelevant, immaterial and not likely to lead to the discovery of admissible evidence in that it mischaracterizes Mr. Bradford's testimony.

41. With respect to Peter Bradford's Testimony (on Pages 13 and 14) regarding the financing of nuclear power plant projects please describe:
- (a) all nuclear power plant projects in which Mr. Bradford assisted in any way with the financing of those projects by providing the name of the project, the names of the parties involved, and the name of the party that retained or employed Mr. Bradford's services;
 - (b) the role Mr. Bradford played in the financing of the project;
 - (c) the results of Mr. Bradford's efforts in the financing of the project; and
 - (d) the amount of time Mr. Bradford invested in his role and the sum he was paid for his services.

Objection:

In addition to the General Objections, PCS Phosphate objects to this request as the term "assisted in any way" is vague, ambiguous and overbroad. PCS Phosphate also objects to this request as irrelevant, immaterial and not likely to lead to the discovery of admissible evidence

43. Regarding the AREVA plant referred to in the statement quoted in the previous interrogatory, please identify any differences in legislation, regulation, regulatory oversight and supervision, parties, and the project, if any, between Finland and the permitting, design, engineering, and construction of a nuclear power plant in the United States.

Objection:

In addition to the General Objections, PCS Phosphate objects to this request as the term "differences" is vague, ambiguous and overbroad. PCS Phosphate also objects to this request as irrelevant, immaterial and not likely to lead to the discovery of admissible evidence. Also, PCS Phosphate objects to the request to the extent it calls for a legal opinion or conclusion.

Respectfully submitted,

s/ James W. Brew

James W. Brew

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Attorneys for

White Springs Agricultural Chemicals, Inc.

d/b/a PCS Phosphate - White Springs

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been furnished by electronic mail and/or U.S. Mail this 2nd day of May 2008 to the following:

PCS Administration (USA), Inc. Karin S. Torain Suite 400 Skokie Boulevard Northbrook, IL 60062	Charles Gauthier Department of Community Affairs Division of Community Planning 2555 Shumard Oak Boulevard Tallahassee, FL 32399-2100
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John T. Burnett/R. Alexander Glenn Progress Energy Service Company, LLC Post Office Box 14042 St. Petersburg, FL 33733-4042	Mr. Paul Lewis, Jr. Progress Energy Florida 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740
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s/ James W. Brew