

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost
Recovery Clause

Docket No. 080009-EI

Submitted for Filing: June 5, 2008

**PEF'S OBJECTIONS TO OPC'S SECOND
REQUEST TO PRODUCE DOCUMENTS (Nos. 12-57)**

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 Office of Public Counsel's ("OPC's") Second Request to Produce Documents (Nos. 12-57) and states as follows:

GENERAL OBJECTIONS

PEF generally objects to the time and place of production requirement in OPC's Second 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 OPC for purposes of inspection, copying, or handling of the responsive documents.

With respect to the "Definitions" in OPC's Second 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 OPC'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 OPC'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 OPC's Second 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 OPC'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 OPC 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 OPC'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 12: PEF objects to this request to the extent it requires PEF to supplement its response on a continuing basis, because such an obligation does not exist in the Florida Rules of Civil Procedure. Subject to this objection, and without waiving same, PEF will provide any responsive documents in its possession as of the date of its response.

Request 13: PEF objects to this request to the extent it requires PEF to supplement its response on a continuing basis, because such an obligation does not exist in the Florida Rules of Civil Procedure. Subject to this objection, and without waiving same, PEF will provide any responsive documents in its possession as of the date of its response.

Request 22: PEF objects to this request to the extent it calls for narrative information and thus is more appropriately treated as an interrogatory. Subject to this objection, and without

waiving same, PEF will produce responsive documents, if any, and will endeavor to provide a reasonable response as if this question were posed as an interrogatory and not a request for documents.

Request 24: PEF objects to this request to the extent it calls for narrative information and thus is more appropriately treated as an interrogatory. Subject to this objection, and without waiving same, PEF will produce responsive documents, if any, and will endeavor to provide a reasonable response as if this question were posed as an interrogatory and not a request for documents.

Request 26: PEF objects to this request to the extent it calls for narrative information and thus is more appropriately treated as an interrogatory. Subject to this objection, and without waiving same, PEF will produce responsive documents, if any, and will endeavor to provide a reasonable response as if this question were posed as an interrogatory and not a request for documents.

Request 31: PEF objects to this request to the extent it requires PEF to supplement its response on a continuing basis, because such an obligation does not exist in the Florida Rules of Civil Procedure. Subject to this objection, and without waiving same, PEF will provide any responsive documents in its possession as of the date of its response.

Request 35: PEF objects to this request to the extent it calls for narrative information and thus is more appropriately treated as an interrogatory. Subject to this objection, and without waiving same, PEF will produce responsive documents, if any, and will endeavor to provide a reasonable response as if this question were posed as an interrogatory and not a request for documents.

Request 36: PEF objects to this request to the extent it calls for narrative information and thus is more appropriately treated as an interrogatory. Subject to this objection, and without

waiving same, PEF will produce responsive documents, if any, and will endeavor to provide a reasonable response as if this question were posed as an interrogatory and not a request for documents.

Request 37: PEF objects to this request to the extent it calls for narrative information and thus is more appropriately treated as an interrogatory. Subject to this objection, and without waiving same, PEF will produce responsive documents, if any, and will endeavor to provide a reasonable response as if this question were posed as an interrogatory and not a request for documents.

Request 38: PEF objects to this request to the extent it calls for narrative information and thus is more appropriately treated as an interrogatory. Subject to this objection, and without waiving same, PEF will produce responsive documents, if any, and will endeavor to provide a reasonable response as if this question were posed as an interrogatory and not a request for documents.

Request 39: PEF objects to this request to the extent it calls for narrative information and thus is more appropriately treated as an interrogatory. Subject to this objection, and without waiving same, PEF will produce responsive documents, if any, and will endeavor to provide a reasonable response as if this question were posed as an interrogatory and not a request for documents.

Request 40: PEF objects to this request to the extent it calls for narrative information and thus is more appropriately treated as an interrogatory. Subject to this objection, and without waiving same, PEF will produce responsive documents, if any, and will endeavor to provide a reasonable response as if this question were posed as an interrogatory and not a request for documents.

Request 48: PEF objects to this request to the extent it calls for narrative information and thus is more appropriately treated as an interrogatory. Subject to this objection, and without waiving same, PEF will produce responsive documents, if any, and will endeavor to provide a reasonable response as if this question were posed as an interrogatory and not a request for documents.

Request 49: PEF objects to this request to the extent it calls for narrative information and thus is more appropriately treated as an interrogatory. Subject to this objection, and without waiving same, PEF will produce responsive documents, if any, and will endeavor to provide a reasonable response as if this question were posed as an interrogatory and not a request for documents.

Request 50: PEF objects to this request to the extent it calls for narrative information and thus is more appropriately treated as an interrogatory. Subject to this objection, and without waiving same, PEF will produce responsive documents, if any, and will endeavor to provide a reasonable response as if this question were posed as an interrogatory and not a request for documents.

Request 51: PEF objects to this request as unduly burdensome to the extent it requests documents, such as filings PEF has made in this docket, which OPC was previously provided and should already have in its possession as a party to this proceeding.

Request 52: PEF objects to this request as unduly burdensome to the extent it calls for PEF's supplemental filings with the Commission, which OPC was previously provided and should have already have in its possession.

Request 53: PEF objects to this request as unduly burdensome to the extent it calls for PEF's financial filings with the Commission, which OPC was previously provided and should have already have in its possession. PEF further objects to this request to the extent it requires

PEF to supplement its response on a continuing basis, because such an obligation does not exist in the Florida Rules of Civil Procedure. Subject to this objection, and without waiving same, PEF will provide any responsive documents in its possession as of the date of its response.

Request 55: PEF objects to this request to the extent it suggests that PEF has obligations to make determinations and evaluations that are not called for and/or that are not consistent with controlling rules and law.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic service and U.S. Mail this 5th day of June, 2008.


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