

## Ruth Nettles

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**From:** Stright, Lisa [Lisa.Stright@pgnmail.com]  
**Sent:** Monday, June 23, 2008 12:57 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Wade Litchfield; Burnett, John; Cecilia Bradley; Charles Beck; James Brew; Jeff Stone; Jim Beasley; Joe McGlothlin; John Butler; John McWhirter; Keino Young; Lee Willis; Lewis Jr, Paul; Lisa Bennett; Mike Twomey; Natalie Smith; Norman Horton; Paula Brown; Russell Badders; Schef Wright  
**Subject:** PEF's Objections to FIPUG 1st Set of Interrogatories (Nos. 1-21) - Dkt# 080001-EI  
**Attachments:** Document.pdf

## Electronic Filing

a. Person responsible for this electronic filing:

**John T. Burnett, Esq.**  
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b. Docket No. 080001-EI  
In Re: Fuel and Purchased Power Cost Recovery Clause

c. The documents are being filed on behalf of Progress Energy Florida.

d. There are a total of 3 pages.

e. The document attached for electronic filing is Progress Energy Florida's Objections to FIPUG's 1st Set of Interrogatories (Nos. 1-21).

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6/23/2008

DOCUMENT NUMBER-DATE

05365 JUN 23 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Fuel and purchased power cost  
recovery clause with generating  
performance incentive factor.

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Docket No. 080001-EI

Submitted for Filing: June 23, 2008

**PEF'S OBJECTIONS TO FIPUG'S FIRST SET OF  
INTERROGATORIES (Nos. 1-21)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Florida Rules of Civil Procedure, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Florida Industrial Power Users Group's ("FIPUG") First Set of Interrogatories (Nos. 1-21) and states as follows:

**GENERAL OBJECTIONS**

With respect to the "Definitions" and "Instructions" in FIPUG'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 FIPUG'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.

Additionally, PEF generally objects to FIPUG'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 objects to any attempt by FIPUG to evade any numerical limitations set on interrogatories by asking multiple independent questions within single individual questions and

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subparts. 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.

Respectfully submitted,

 LMS

R. ALEXANDER GLENN

Deputy General Counsel - Florida

JOHN T. BURNETT

Associate General Counsel - Florida

PROGRESS ENERGY SERVICE COMPANY, LLC

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 23<sup>rd</sup> day of June, 2008 to all parties of record as indicated below.

  
JOHN T. BURNETT

<p>Lisa Bennett, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850</p> <p>James D. Beasley, Esq. Lee L. Willis, Esq. Ausley &amp; McMullen Law Firm P.O. Box 391 Tallahassee, FL 32302</p> <p>Joseph A. McGlothlin, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, #812 Tallahassee, FL 32399</p> <p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Steven R. Griffin Beggs &amp; Lane Law Firm P.O. Box 12950 Pensacola, FL 32591</p> <p>Ms. Paula K. Brown Tampa Electric Company P.O. Box 111 Tampa, FL 33601</p> <p>Ms. Susan D. Ritenour Gulf Power Company One Energy Place Pensacola, FL 32520-0780</p> <p>Natalie F. Smith Florida Power &amp; Light 215 S. Monroe Street, Ste. 810 Tallahassee, FL 32301-1859</p>	<p>Florida Industrial Power Users Group c/o John McWhirter, Jr. McWhirter Reeves Law Firm 400 N. Tampa Street, Ste. 2450 Tampa, FL 33602</p> <p>Norman H. Horton, Jr. Messer, Capareello &amp; Self, P.A. P.O. Box 15579 Tallahassee, FL 32317</p> <p>John T. Butler, Esq. R. Wade Litchfield, Esq. Florida Power &amp; Light Co. 700 Universe Boulevard Juno Beach, FL 33408</p> <p>Robert Scheffel Wright John T. LaVia, III Young van Assenderp, P.A. 225 S. Adams Street, Suite 200 Tallahassee, FL 32301</p> <p>Mehrdad Khojasteh Florida Public Utilities Company P.O. Box 3395 West Palm Beach, FL 33402-3395</p> <p>Mr. James W. Brew, Esq. c/o Brickfield Law Firm 1025 Thomas Jefferson St., NW 8<sup>th</sup> Floor, West Tower Washington, DC 20007</p> <p>AARP c/o Mike Twomey P.O. Box 5256 Tallahassee, FL 32314-5256</p>
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