

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

December 3, 2008

**PEF'S OBJECTIONS TO OPC'S THIRD  
SET OF INTERROGATORIES (Nos. 9-23)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 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") Third Set of Interrogatories (Nos. 9-23) and states as follows:

**GENERAL OBJECTIONS**

With respect to the "Definitions" and "Instructions" in OPC's Third 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.

PEF also objects to any attempt by OPC to evade the numerical limitations set on interrogatories in the Order Establishing Procedure by asking multiple independent questions within single individual questions and subparts.

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 18:** PEF 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 Crystal River Units 4 and 5 in 2006 and 2007.

**Interrogatory 20:** PEF objects to this interrogatory to the extent it attempts to elicit information regarding coal deliveries to PEF 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 Crystal River Units 4 and 5 in 2006 and 2007.

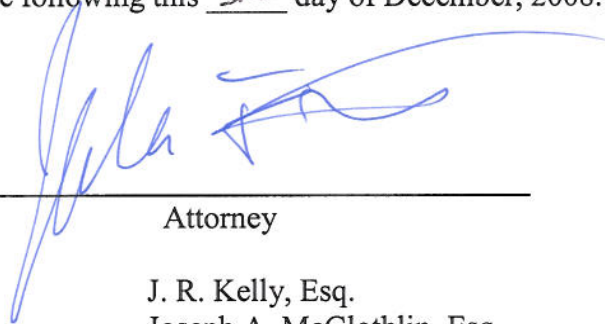


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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Objections to Citizens Third Set of Interrogatories (Nos. 9-23), in Docket No. 070703-EI has been furnished by regular U.S. mail to the following this 3<sup>rd</sup> day of December, 2008.



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