

**Ruth Nettles**

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**From:** Tibbetts, Arlene [Arlene.Tibbetts@pgnmail.com]  
**Sent:** Monday, December 15, 2008 10:30 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** mcglathlin.joseph@leg.state.fl.us; Kelly.JR@leg.state.fl.us; Lisa Bennett; Keino Young  
**Subject:** Docket 070703 Filings: PEF Objections to OPC's 4th Set of Interrogatories (Nos. 24-31)  
**Attachments:** Objections to OPC's 4th ROGs (24-31).pdf

This electronic filing is made by:

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Docket: 070703-EI

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

On behalf of Progress Energy Florida

Consisting of 4 pages

The attached document for filing is PEF's Objections to OPC's Fourth Set of Interrogatories (Nos. 24-31)

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 15, 2008

**PEF'S OBJECTIONS TO OPC'S FOURTH  
SET OF INTERROGATORIES (Nos. 24-31)**

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") Fourth Set of Interrogatories (Nos. 24-31) and states as follows:

**GENERAL OBJECTIONS**

With respect to the "Definitions" and "Instructions" in OPC's Fourth 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 24:** PEF objects to this interrogatory to the extent it attempts to elicit information regarding any telephone conversations that PEF may have had with producers or vendors of Powder River Basin subbituminous coal other than any such conversations that would have been related to coal for Crystal River units 4 and 5 for 2006 and 2007, since such information is not relevant or material to any issue in this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer the question as it

relates to any telephone conversations that PEF may have had with producers or vendors of Powder River Basin subbituminous coal for Crystal River Units 4 and 5 in 2006 and 2007.

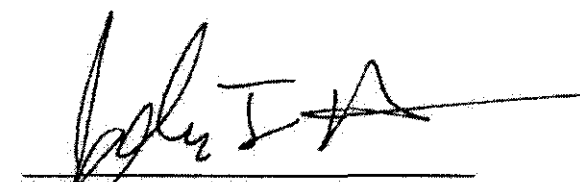
**Interrogatory 25:** PEF objects to this interrogatory to the extent it attempts to elicit information regarding any type of conferences attended by PEF employees or anyone acting on PEF's behalf for the purpose of discussing aspects of Power River Basin subbituminous coal for possible usage prior to the year 2006, since such information is not relevant or material to any issue in this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer the question as it relates to any conferences that may have been attended by PEF employees or anyone acting on PEF's behalf for the purpose of discussing aspects of Power River Basin subbituminous coal for possible usage for Crystal River Units 4 and 5 in 2006 and 2007.

**Interrogatory 26:** PEF objects to this interrogatory to the extent it attempts to elicit information regarding any type of informational materials acquired by PEF that relate to any aspect of Power River Basin subbituminous coal for possible usage prior to the year 2006, since such information is not relevant or material to any issue in this proceeding. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer the question as it relates to any informational materials that may have been acquired by PEF that relate to any aspect of Power River Basin subbituminous coal for possible usage for Crystal River Units 4 and 5 in 2006 and 2007.

**Interrogatory 27:** PEF objects to this interrogatory to the extent it attempts to elicit information regarding any consultants or experts engaged by PEF for the purpose of advising PEF personnel on any aspect of Power River Basin subbituminous coal for possible usage prior to the year 2006, since such information is not relevant or material to any issue in this proceeding. Subject to and without waiving this objection or any of PEF's general objections

(and notwithstanding Rod Hatt's engagement in Docket 060658-EI in which all such information has been produced), PEF will answer the question as it relates to any experts or consultants that PEF may have engaged for the purpose of advising PEF personnel on any aspect of Power River Basin subbituminous coal for possible usage for Crystal River Units 4 and 5 in 2006 and 2007.

**Interrogatory 29:** PEF objects to this interrogatory as vague and ambiguous. Subject to this objection and without waiving any of PEF's general objections, PEF assumes that OPC means page 4 line 13 of Mr. Heller's testimony rather than page 5 line 14 and will respond accordingly.



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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 Fourth Set of Interrogatories (Nos. 24-31), in Docket No. 070703-EI has been furnished by regular U.S. mail to the following this 15<sup>th</sup> day of December, 2008.



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