

Ruth Nettles

From: O'Neal, Barbara [boneal@carltonfields.com]
Sent: Thursday, April 16, 2009 3:11 PM
To: Filings@psc.state.fl.us
Cc: alex.glenn@pgnmail.com; Bernier, Matthew R.; Bill.mccollum@myfloridalegal.com; Caroline Klancke; cecilia.bradley@myfloridalegal.com; Charles Rehwinkel; Costello, Jeanne; ataylor@bbrslaw.com; jbrew@bbrslaw.com; john.burnett@pgnmail.com; jlavie@yvlaw.net; JMoyle@kagmlaw.com; KSTorain@potashcorp.com; Katherine Fleming; Keino Young; Lisa.Stright@pgnmail.com; paul.lewisjr@pgnmail.com; Rick@rmelsonlaw.com; swright@yvlaw.net; Triplett, Dianne; VKaufman@kagmlaw.com; Walls, J. Michael
Subject: Electronic Filing Docket No. 090079-EI
Attachments: PEF's Objections to Staff's First Request for Production of Documents (nos 1-6).pdf

1. Matthew R. Bernier, Carlton Fields, P.A., 215 South Monroe Street, Ste. 500, Tallahassee, FL 32301, mbernier@carltonfields.com is the person responsible for this electronic filing;
2. The filing is to be made in Docket 090079-EI, In re: Petition for rate increase in rates by Progress Energy Florida, Inc.;
3. The total number of pages is 5
4. The attached document is Progress Energy Florida, Inc.'s Objections to Staff's First Request for Production of Documents (Nos 1-6)

CARLTON FIELDS
ATTORNEYS AT LAW

Barbara O'Neal

Legal Administrative Assistant

215 S. Monroe Street, Suite 500
Tallahassee, Florida 32301-1866

direct 850.425.3388
fax 850.222.0398
boneal@carltonfields.com
www.carltonfields.com

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DOCUMENT NUMBER-DATE

03501 APR 16 8

4/16/2009

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by
Progress Energy Florida, Inc.

Docket No. 090079-EI
Submitted for filing: April 16, 2009

**PEF'S OBJECTIONS TO STAFF'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS (NOS. 1-6)**

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 Florida Public Service Commission's Staff's ("Staff") First Request for Production of Documents (Nos.1-6) and states as follows:

GENERAL OBJECTIONS

PEF will make all responsive documents available for inspection and copying at the offices of PEF, 106 E. College Ave., Suite 800, 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 Staff for purposes of inspection, copying, or handling of the responsive documents.

With respect to any "Definitions" and "Instructions" in Staff's Requests for Production, 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 Staff's definitions or instructions that are inconsistent with those rules.

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FPSC-COMMISSION CLERK

SPECIFIC OBJECTIONS

Request 3: PEF objects to Staff's request number 3 because that request calls for PEF to produce "an Excel-compatible file for each Composite Remaining Life Calculation contained in Exhibit EMR-2." The depreciation model software used to produce these calculations is the proprietary property of PEF's third party consultant that only generates reports in certain specific formatted versions. To reproduce the requested calculations in an excel-compatible format would require millions of separate calculations and thousands of man-hours. Responding to this request would be unduly burdensome and expensive, and would be of little benefit to Staff because the information requested has already been produced in Exhibit EMR-2, simply not in Staff's preferred format. PEF will respond to this request by producing the underlying data, in the format in which it exists, which will allow Staff to perform the calculations and generate the results in its desired format.

Request 4: PEF objects to Staff's request number 4 because that request calls for PEF to produce "an Excel-compatible file for each Calculated Depreciation Reserve Schedule contained in Exhibit EMR-2." The depreciation model software used to produce these calculations is the proprietary property of PEF's third party consultant that only generates reports in certain specific formatted versions. To reproduce the requested calculations in an excel-compatible format would require millions of separate calculations and thousands of man-hours. Responding to this request would be unduly burdensome and expensive, and would be of little benefit to Staff because the information requested has already been produced in Exhibit EMR-2, simply not in Staff's preferred format. PEF will respond to this request by producing the underlying data, in the format in which it exists, which will allow Staff to perform the calculations and generate the results in its desired format.

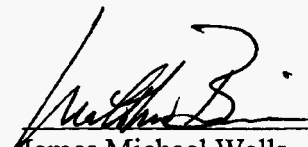
Request 5: PEF objects to Staff's request number 5 because that request calls for PEF to produce "an Excel-compatible file for each Salvage Analysis contained in Exhibit EMR-2." The depreciation model software used to produce these calculations is the proprietary property of PEF's third party consultant that only generates reports in certain specific formatted versions. To reproduce the requested calculations in an excel-compatible format would require millions of separate calculations and thousands of man-hours. Responding to this request would be unduly burdensome and expensive, and would be of little benefit to Staff because the information requested has already been produced in Exhibit EMR-2, simply not in Staff's preferred format. PEF will respond to this request by producing the underlying data, in the format in which it exists, which will allow Staff to perform the calculations and generate the results in its desired format.

Request 6: PEF objects to Staff's request number 6 because that request calls for PEF to produce "an Excel-compatible file for each Future (pro forma) Composite Remaining Life Calculation contained in Exhibit EMR-2." The depreciation model software used to produce these calculations is the proprietary property of PEF's third party consultant that only generates reports in certain specific formatted versions. To reproduce the requested calculations in an excel-compatible format would require millions of separate calculations and thousands of man-hours. Responding to this request would be unduly burdensome and expensive, and would be of little benefit to Staff because the information requested has already been produced in Exhibit EMR-2, simply not in Staff's preferred format. PEF will respond to this request by producing the underlying data, in the format in which it exists, which will allow Staff to perform the calculations and generate the results in its desired format.

Respectfully submitted this 16th day of April, 2009.

R. Alexander Glenn
alex.glenn@pgnmail.com
John T. Burnett
john.burnett@pgnmail.com
Progress Energy Service Company, LLC
299 First Avenue North
P.O.Box 14042 (33733)
St. Petersburg, Florida 33701
(727) 820-5184
(727) 820-5249(fax)

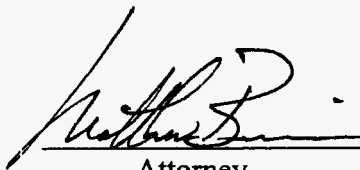
Paul Lewis, Jr.
Paul.lewisjr@pgnmail.com
Progress Energy Service Company, LLC
106 East College Avenue
Suite 800
Tallahassee, Florida 32301
(850) 222-8738 / (850) 222-9768 (fax)


James Michael Walls
mwalls@carltonfields.com
Florida Bar No. 0706242
Dianne M. Triplett
dtriplett@carltonfields.com
Florida Bar No. 0872431
Matthew Bernier
mbernier@carltonfields.com
Florida Bar No. 0059886
Carlton Fields
4221 W. Boy Scout Boulevard
P.O. Box 3239
Tampa, Florida 33607-5736
(813) 223-7000 / (813) 229-4133 (fax)

Richard Melson
rick@rmelsonlaw.com
Florida Bar No. 0201243
705 Piedmont Drive
Tallahassee, FL 32312
(850) 894-1351

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via electronic and U.S. Mail to the following counsel of record as indicated below on this 16th day of April, 2009.



Attorney

Katherine Fleming
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399

J.R. Kelly/Charles Rehwinkle
Office of the Public Counsel
c/o The Florida Legislature
111 W. Madison Street – Room 812
Tallahassee, FL 32399-1400

Bill McCollum/Cecilia Bradley
Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050

Vicki G. Kaufman/Jon C. Moyle, Jr.
Keefe Law Firm, The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

James W. Brew/Alvin Taylor
Brickfield Law Firm
1025 Thomas Jefferson Street, NW, 8th Fl
Washington, D.C. 20007

R. Scheffel Wright / John T. LaVia
Young Law Firm
225 South Adams Street, Ste. 200
Tallahassee, FL 32301