

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR COST
RECOVERY CLAUSE

Docket No. 090009-EI
Submitted for filing: June 15, 2009

**PEF'S OBJECTIONS TO PCS PHOSPHATE'S FIRST
SET OF INTERROGATORIES (NOS. 1-25)**

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 White Springs Agricultural Chemicals Inc., d/b/a PCS Phosphate – White Springs' ("PCS Phosphate") First Set of Interrogatories (Nos. 1-25) 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 PCS Phosphate for purposes of inspection, copying, or handling of the responsive documents.

With respect to any "Definitions" and "Instructions" in PCS Phosphate's 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 PCS Phosphate's definitions or instructions that are inconsistent with those rules. Furthermore, 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 thus are not subject to discovery. No responses to the requests will be made on behalf of persons or entities other than PEF. PEF also objects to any request that PEF provide documents in a specific electronic format. 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 PCS Phosphate's Interrogatories 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 (the "Order"). 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, and all other applicable statutes, rules and legal principles.

PEF generally objects to PCS Phosphate's Interrogatories to the extent that they call 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 the interrogatories 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.

By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to PCS Phosphate’s discovery at the time PEF’s response is due under the Florida Rules of Civil Procedure and the Order. PEF provides these general objections at this time to comply with the intent of the Order to reduce the delay in identifying and resolving any potential discovery disputes.

Respectfully submitted,



JAMES MICHAEL WALLS
Florida Bar No. 0706242
DIANNE M. TRIPLETT
Florida Bar No. 0872431
MATTHEW R. BERNIER
Florida Bar No. 0059886
CARLTON FIELDS, P.A.
Post Office Box 3239
Tampa, FL 33601-3239
Telephone: (813) 223-7000
Facsimile: (813) 229-4133

R. ALEXANDER GLENN
General Counsel
JOHN BURNETT
Associate General Counsel
PROGRESS ENERGY SERVICE
COMPANY, LLC
Post Office Box 14042
St. Petersburg, FL 33733-4042
Telephone: (727) 820-5587
Facsimile: (727) 820-5519

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 and U.S. Mail this 15th day of June, 2009.

ATTORNEY

MR. PAUL LEWIS, JR.
Progress Energy Florida, Inc.
106 East College Avenue, Ste. 800
Tallahassee, FL 32301-7740
Phone: (850) 222-8738
Facsimile: (850) 222-9768
Email: paul.lewisjr@pgnmail.com

KEINO YOUNG
LISA BENNETT
JENNIFER BRUBAKER
Staff Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee 32399
Phone: (850) 413-6218
Facsimile: (850) 413-6184
Email: kyoung@psc.state.fl.us
lbennett@psc.state.fl.us
Jbrubake@psc.state.fl.us

CHARLES REHWINKEL
Associate Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
Phone: (850) 488-9330
Email: rehwinkel.charles@leg.state.fl.us

BRYAN S. ANDERSON
JESSICA CANO
Florida Power & Light
700 Universe Boulevard
Juno Beach, FL 33408-0420
Phone: (561) 691-7101
Facsimile: (561) 691-7135
Email: bryan.anderson@fpl.com
Jessica.cano@fpl.com

JOHN W. MCWHIRTER
McWhirter Law Firm
400 North Tampa Street, Ste. 2450
Tampa, FL 33602
Phone: (813) 224-0866
Facsimile: (813) 221-1854
Email: jmcwhirter@mac-law.com

VICKI GORDON KAUFMAN
JON C. MOYLE, JR.
118 North Gadsden Street
Tallahassee, FL 32301
Phone: (850) 681-3828
Facsimile: (850) 681-8788
Email: vkaufman@kagmlaw.com

E. LEON JACOBS, JR.
Williams Law Firm
1720 S. Gadsden Street MS 14, Ste. 20
Tallahassee, FL 32301
Email: Ljacobs50@comcast.net

JAMES W. BREW
F. ALVIN TAYLOR
Brickfield Burchette Ritts & Stone, PC
1025 Thomas Jefferson St NW
8th FL West Tower
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807
Email: jbrew@bbrslaw.com

KARIN S. TORAIN
PCS Administration (USA), Inc.
1101 Skokie Boulevard, Ste. 400
Northbrook, IL 60062
Phone: (850) 222-8738
Fax: (850) 222-9768
Email: KSTorain@potashcorp.com

RANDY B. MILLER
White Springs Agricultural Chemicals, Inc.
P.O. Box 300
White Springs, FL 32096
Email: RMiller@pcsphosphate.com