

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Commission review of numeric  
conservation goals (Progress Energy Florida,  
Inc.).

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Docket No. 080408-EG

Submitted for Filing: July 2, 2009

**PEF'S OBJECTIONS TO FIPUG'S FIRST  
SET OF INTERROGATORIES (No. 1)**

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 Florida Industrial Power Users Group ("FIPUG") First Set of Interrogatories (No. 1) 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.

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 FIPUG that has not

been done for PEF, presumably at PEF's cost.

Additionally, PEF generally objects to FIPUG's first 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 reserves the right to supplement any of its responses to FIPUG's First 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 FIPUG's discovery at the time PEF's response is due.

### **SPECIFIC OBJECTIONS**

**Interrogatory 1:** PEF objects to this interrogatory to the extent it asks PEF to do work or perform analyses for FIPUG, presumably at PEF's expense, where such work or analyses may not have been previously done for PEF.

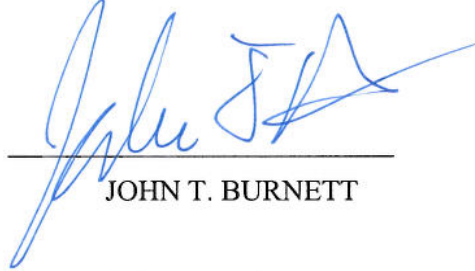


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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic and U.S. Mail this 2<sup>nd</sup> day of July, 2009 to all parties of record as indicated below.



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