

Ruth Nettles

080408-EG

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Sent: Friday, July 31, 2009 2:35 PM
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Subject: PEF's Objections to Staff's 9th Set of ROGs
Attachments: PEF's Objections to Staff's 9th Set of ROGs (87-92).pdf

This electronic filing is made by:

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Docket: 080408-EG

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

On behalf of Progress Energy Florida

Consisting of 3 pages

The attached document for filing is Progress Energy Florida's Objections to Staff's Ninth Set of Interrogatories (Nos. 87-92)

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 080408-EG

Submitted for Filing: July 31, 2009

**PEF'S OBJECTIONS TO STAFF'S NINTH
SET OF INTERROGATORIES (Nos. 87-92)**

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 Commission Staff's ("Staff") Ninth Set of Interrogatories (Nos. 87-92) and states as follows:

GENERAL OBJECTIONS

With respect to the "Definitions" and "Instructions" in Staff's Ninth 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 Staff'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 Staff that has not been done for PEF, presumably at PEF's cost.

Additionally, PEF generally objects to Staff's ninth 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 Staff's Ninth 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 Staff's discovery at the time PEF's response is due.

SPECIFIC OBJECTIONS

Interrogatory 91: PEF objects to this interrogatory to the extent it requires PEF to do work or perform analyses where such work or analyses has not been previously done by PEF. Subject to and without waiving this objection, PEF will endeavor to provide this information to Staff if possible.

Interrogatory 92: PEF objects to this interrogatory to the extent it requires PEF to do work or perform analyses where such work or analyses has not been previously done by PEF. Subject to and without waiving this objection, PEF will endeavor to provide this information to Staff if possible.



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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 31st day of July, 2009 to all parties of record as indicated below.



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