

**Ruth Nettles**

090079-EI

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**Sent:** Thursday, September 03, 2009 12:40 PM  
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**Subject:** Electronic Filing Docket No. 090079  
**Attachments:** PEF Object to Staffs 32nd Interrogatories.pdf; PEF Object to Citizens 12th Interrogatories.pdf; PEF Object to Citizens 15th Production Req.pdf; PEF Object to Staffs 24th Production Req.pdf

Matthew R. Bernier, Carlton Fields, P.A., 215 South Monroe Street, Ste. 500, Tallahassee, FL 32301, [mbernier@carltonfields.com](mailto:mbernier@carltonfields.com) is the person responsible for this electronic filing;

The filing is to be made in Docket 090079-EI, In re: Petition for rate increase in rates by Progress Energy Florida, Inc.;

The attached documents are filed:

PEF's Objections to Citizens' Twelfth Set of Interrogatories (Nos. 402-406); PEF's Objections to Citizens' Fifteenth Set of Requests for Production of Documents (Nos. 281-295); PEF's Objections to Staff's Twenty-Fourth Request for Production of Documents (Nos. 159-168); PEF's Objections to Staff's Thirty-Second Set of Interrogatories (Nos. 408-441).

Thank you.

**CARLTON FIELDS**  
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DOCUMENT NUMBER-DATE

09186 SEP-3 8

FPSC-COMMISSION CLERK

9/3/2009

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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IN RE:  
PETITION FOR INCREASE IN RATES  
BY PROGRESS ENERGY FLORIDA, INC.

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Docket No. 090079-EI  
Submitted for filing: September 3, 2009

**PEF'S OBJECTIONS TO STAFF'S THIRTY-SECOND  
SET OF INTERROGATORIES (NOS. 408-441)**

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 Staff's ("Staff") Thirty-Second Set of Interrogatories (Nos. 408-441) 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 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.

## SPECIFIC OBJECTIONS

**Request 438:** Staff has requested a “calculation that would enable staff to update the depreciation expense on C-1 to incorporate any changes in depreciation rates” that the Commission may approve. PEF objects to Staff’s interrogatory number 438 because it seeks to require PEF to create documents and studies that have not been created by or for PEF. However, subject to this objection and without waiving same, in an effort to be responsive to this request, PEF will endeavor to provide documents or information which would enable staff to make the requested calculation.

**Request 441:** Staff has requested a “calculation that will enable staff to update any changes in the nuclear decommissioning expense that may arise from Commission-approved changes to the nuclear decommissioning accrual” arising from the Company’s decommissioning study. PEF objects to Staff’s interrogatory number 441 because it seeks to require PEF to create documents and studies that have not been created by or for PEF. However, subject to this objection and without waiving same, in an effort to be responsive to this request, PEF will endeavor to provide documents or information which would enable staff to make the requested calculation.

Respectfully submitted,

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**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 3<sup>rd</sup> day of September, 2009.

  
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