

Ruth Nettles

090002-EG

From: Tibbetts, Arlene [Arlene.Tibbetts@pgnmail.com]
Sent: Tuesday, October 27, 2009 10:35 AM
To: Filings@psc.state.fl.us
Cc: Katherine Fleming; jmcwhirter@mac-law.com; nhorton@lawfla.com; jbeasley@ausley.com; lwillis@ausley.com; ken.rubin@fpl.com; john.butler@fpl.com; Kelly.JR@leg.state.fl.us; Charles Rehwinkel; Charles Beck; jas@beggslane.com; rab@beggslane.com; srg@beggslane.com; regdept@tecoenergy.com; vkaufman@kagmlaw.com; wade.litchfield@fpl.com; sdriteno@southernco.com; Glenn, Alex; Lewis Jr, Paul; Burnett, John; jbrew@bbrslaw.com
Subject: Docket 090002-EG Filing: PEF's Objections to FIPUG's 2nd Set of Interrogatories
Attachments: PEF's Objections to FIPUG's 2nd Interrogatories.pdf

This electronic filing is made by:

John Burnett
P.O. Box 14042
St. Petersburg, FL 33733
727-820-5184
John.Burnett@pgnmail.com

Docket: 090002-EG

In re: Energy conservation cost recovery clause

On behalf of Progress Energy Florida

Consisting of 5 pages

The attached document for filing is PEF's Objections to FIPUG's 2nd Set of Interrogatories to PEF

DOCUMENT NUMBER-DATE

10875 OCT 27 8

FPSC-COMMISSION CLERK

10/27/2009

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost
recovery clause.

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Docket No. 090002-EG

Filed: October 27 2009

**PEF'S OBJECTIONS TO FLORIDA INDUSTRIAL POWER USER GROUP'S
SECOND SET OF INTERROGATORIES (Nos. 4-18)**

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 User Group's ("FIPUG") Second Set of Interrogatories (Nos. 4-18) and states as follows:

GENERAL OBJECTIONS

With respect to the "Definitions" in FIPUG's Second 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 Second Set of 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.

PEF also objects to any attempt by FIPUG to evade the numerical limitations set on interrogatories in the Order Establishing Procedure by asking multiple independent questions within single individual questions and subparts.

Finally, PEF reserves the right to supplement any of its responses to FIPUG's Second Set of 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

Interrogatories 4-18: PEF objects to these interrogatories because they are outside the scope of the discovery deadline established in Commission Order No. PSC-09-0184-PCO-EG. PEF also objects to these interrogatories because the Prehearing Officer ruled during the Prehearing Conference that that the issues concerned in these

discovery requests will be decided in PEF's Rate Case Docket No. 090079-EI or PEF's DSM Goals Docket No. 080408-EG.

Interrogatory 9: PEF objects to OPC's Interrogatory number 9 because that interrogatory calls for information referred to in a request for production to which PEF has already specifically objected. PEF specifically incorporates its objection to Request for Production No. 1 as if fully stated herein.



R. ALEXANDER GLENN

General Counsel - Florida

JOHN T. BURNETT

Associate General Counsel -- Florida

PROGRESS ENERGY SERVICE COMPANY, LLC

299 First Avenue North

St. Petersburg, FL 33701

Telephone: (727) 820-5184

Facsimile: (727) 820-5519

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 27 day of October, 2009 to all parties of record as indicated below.



JOHN T. BURNETT

<p>Katherine Fleming, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 keflemin@psc.state.fl.us</p>	<p>Florida Industrial Power Users Group c/o John McWhirter, Jr. McWhirter Reeves & Davidson, P.A. P.O. Box 3350 Tampa, FL 33601-3350 jmcwhirter@mac-law.com</p>
<p>James D. Beasley, Esq. Lee L. Willis, Esq. Ausley & McMullen Law Firm P.O. Box 391 Tallahassee, FL 32302 jbeasley@ausley.com lwillis@ausley.com</p>	<p>Norman H. Horton, Jr. Messer Law Firm P.O. Box 15579 Tallahassee, FL 32317 nhorton@lawfla.com</p>
<p>J. R. Kelly, Esq. P. Christensen, Esq. C. Beck, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, #812 Tallahassee, FL 32399 Kelly.jr@leg.state.fl.us Rehwinkel.charles@leg.state.fl.us Beck.charles@leg.state.fl.us</p>	<p>Kenneth M. Rubin, Esq. John Butler, Esq. Florida Power & Light 700 Universe Boulevard Juno Beach, FL 33408-0420 Ken.Rubin@fpl.com John_butler@fpl.com</p>
<p>Jeffrey A. Stone, Esq.</p>	<p>R. Wade Litchfield, Esq. Florida Power & Light 215 S. Monroe Street, Ste. 810 Tallahassee, FL 32301-1859 Wade_litchfield@fpl.com</p> <p>Ms. Susan D. Ritenour</p>

Russell A. Badders, Esq.
Steven R. Griffin
Beggs & Lane Law Firm
P.O. Box 12950
Pensacola, FL 32591
jas@beggslane.com
rab@beggslane.com
srg@beggslane.com

Ms. Paula K. Brown
Tampa Electric Company
P.O. Box 111
Tampa, FL 33601
regdept@tecoenergy.com

Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780
sdriteno@southernco.com

Vicki Gordon Kaufman/Jon C. Moyle, Jr.
118 North Gadsden Street
Tallahassee, FL 32301
vkaufman@kagmlaw.com

James W. Brew/F. Alvin Taylor
c/o Brickfield Law Firm
1025 Thomas Jefferson St., NW, 8th Flo
Washington, DC 20007
jbrew@bbrslaw.com