

Dorothy Menasco

From: Clark, Eileen [Eileen.Clark@pgnmail.com]
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To: Filings@psc.state.fl.us
Cc: Burnett, John; Tibbetts, Arlene; Katherine Fleming; Jennifer Brubaker; 'vkaufman@kagmlaw.com'; 'jmoyle@kagmlaw.com'; 'jmcwhirter@mac-law.com'; 'George@cavros-law.com'; 'jbrew@bbrslaw.com'; 'ataylor@bbrslaw.com'
Subject: Docket 100160 EI - PEF's Objections to the Florida Industrial Power Users Group's First Request for Production of Documents (Nos. 1-10)
Attachments: Document.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: 100160 EI

In re: Petition for Approval of Proposed Demand-side management Plan of Progress Energy Florida, Inc.

On behalf of Progress Energy Florida

Consisting of 5 pages

The attached document for filing is PEF's Objections to the Florida Industrial Power Users Group's First Request for Production of Documents (Nos. 1-10)

Eileen Clark
Sr. Legal Secretary to
Alex Glenn, General Counsel Florida
John Burnett, Associate General Counsel
Progress Energy Florida
299 First Avenue N., PEF151
St. Petersburg, FL 33701
eileen.clark@pgnmail.com
VNet: 230-5785
Outside: 727-820-5785
Fax: 727-820-5041

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of
Proposed Demand-side Management Plan
of Progress Energy Florida, Inc.

DOCKET NO.: 100160-EI

SERVED: April 27, 2010

**PEF'S OBJECTIONS TO THE FLORIDA INDUSTRIAL POWER
USERS GROUP'S FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS (Nos. 1-10)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.350 of the Florida Rules of Civil Procedure, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to The Florida Industrial Power Users Group's ("FIPUG") First Request for Production of Documents (Nos. 1-10) and states as follows:

GENERAL OBJECTIONS

PEF generally objects to the time and place of production requirement in FIPUG's First Request to Produce Documents and will make all responsive documents available for inspection and copying at the offices of Progress Energy Florida, Inc., 106 E. College Ave., 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 FIPUG for purposes of inspection, copying, or handling of the responsive documents.

With respect to the "Definitions" and "Instructions" in FIPUG's First Request for Production of Documents, 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.

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 that are otherwise not subject to discovery. 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 FIPUG's request 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. 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 Establishing Procedure, and all other applicable statutes, rules, and legal principles.

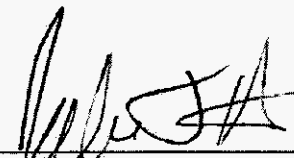
PEF generally objects to FIPUG's First Request for Production of Documents to the extent that it calls for the production of "all" documents of any nature, including, every copy of every document responsive to the requests. PEF will make a good faith, reasonably diligent attempt to identify and obtain 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 FIPUG's requests for production 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.

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 objects to FIPUG's First Request for Production because that request calls, in part, for PEF to produce documents in an Excel or compatible format with all formulas and inputs intact irrespective of whether or not PEF has the documents in question in a format of this nature. If PEF has any responsive documents in an electronic format as requested, PEF will provide those documents to FIPUG in those forms provided that PEF has the legal right and/or permission to provide any such information that may be the property of a third-party owner. Otherwise, PEF will produce documents to FIPUG in hard-copy format with the legal right and/or permission of any third-party owners.

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

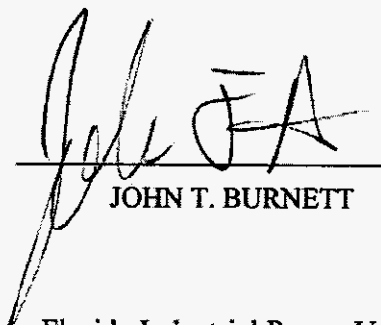
By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to FIPUG's discovery at the time PEF's response is due under the Florida Rules of Civil Procedure and the Order Establishing Procedure. PEF provides these general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



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 27th day of April, 2010 to all parties of record as indicated below.



JOHN T. BURNETT

Katherine Fleming
Jennifer Brubaker
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
keflem@psc.state.fl.us
jbrubake@psc.state.fl.us

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

Vicki Gordon Kaufman
Jon C. Moyle, Jr.
Keefe Anchors Gordon & Moyle, P.A.
118 North Gadsden Street
Tallahassee, FL 32301
vkaufman@kagmlaw.com
jmoyle@kagmlaw.com

George Cavros, Esq.
120 E. Oakland Park Blvd., Ste. 105
Fort Lauderdale, FL 33334
George@cavros-law.com

James W. Brew
F. Alvin Taylor
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson St., NW
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@bbrslaw.com
ataylor@bbrslaw.com