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100001-EI

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Subject: E-Filing & Service: PEF Objections to FIPUG 2nd Set of Rogs (23-26) & PODs (7-8) - Dkt# 100001-EI
Attachments: PEF Objections to FIPUG 2nd Set Rogs & PODs.pdf

This electronic filing is made by:

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Docket No. 100001-EI

On behalf of Progress Energy Florida

Consisting of 4 pages.

The attached document for filing is PEF's
Objections to FIPUG's 2nd Set of Rogs (23-26)
and 2nd Request for PODs (7-8) in the above
referenced docket.

Lisa Stright

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DOCUMENT NUMBER-DATE

08447 OCT 11 2010

FPSC-COMMISSION CLERK

10/11/2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating
performance incentive factor.

Docket No. 100001-EI

Submitted for Filing: October 11, 2010

**PEF'S OBJECTIONS TO FIPUG'S SECOND SET OF
INTERROGATORIES (Nos. 23-26) AND FIPUG'S SECOND REQUEST FOR
PRODUCTION OF DOCUMENTS (Nos. 7-8)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 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") Second Set of Interrogatories (Nos. 23-26) and FIPUG's Second Request for Production of Documents (Nos. 7-8) and states as follows:

GENERAL OBJECTIONS

With respect to the "Definitions" and "Instructions" in FIPUG's Second Set of Interrogatories and FIPUG's Second 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. Furthermore, PEF objects to any interrogatory or request 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 or request that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

Additionally, PEF generally objects to FIPUG's interrogatories or request 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.

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Finally, PEF objects to any attempt by FIPUG to evade any numerical limitations set on interrogatories 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.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 11th day of October, 2010 to all parties of record as indicated below.


JOHN T. BURNETT

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