

Diamond Williams

100160-EG

From: Clark, Eileen [Eileen.Clark@pgnmail.com]
Sent: Thursday, October 28, 2010 8:29 AM
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Subject: Docket 100160-EG
Importance: High
Attachments: PEF Objections to SACE 2nd Set of Rogs No. 2-6 (filed 10-28-10).pdf; PEF Objections to SACE 2nd POD No. 6.pdf

This electronic filing is made by:

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Docket: 100160-EG

In re: Energy conservation cost recovery clause
On behalf of Progress Energy Florida

The attached documents for filing:

1. PEF's Objections to the Southern Alliance For Clean Energy's Second Request for Production of Documents (No. 6) - (consisting of 5 pages)
2. PEF's Objections to the Southern Alliance For Clean Energy's Second Set of Interrogatories (Nos. 2-6) - (consisting of 3 pages)

10/28/2010

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FPSC-COMPRESSION UNIT

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: October 28, 2010

**PEF'S OBJECTIONS TO THE SOUTHERN ALLIANCE FOR
CLEAN ENERGY'S SECOND SET OF INTERROGATORIES
(Nos. 2-6)**

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 Southern Alliance for Clean Energy's ("SACE") Second Set of Interrogatories (Nos. 2-6) and states as follows:

GENERAL OBJECTIONS

With respect to the "Definitions" in SACE'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 SACE'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

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require PEF or its experts to prepare studies, analyses, or to do work for SACE that has not been done for PEF, presumably at PEF's cost.

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



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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 28th day of October, 2010 to all parties of record as indicated below.


DIANNE M. TRIPLETT

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