

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery
Clause

Docket No. 110009-EI
Submitted for filing: May 31, 2011

**PROGRESS ENERGY FLORIDA, INC.'S OBJECTIONS TO CITIZENS' THIRD
SET OF INTERROGATORIES (NOS. 9-32)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rules 1.340, 1.350, and 1.280 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, Progress Energy Florida, Inc. ("PEF" or the "Company") hereby serves its objections to Office of Public Counsel's ("Citizens" or "OPC") Third Set of Interrogatories (Nos. 9-32) and states as follows:

GENERAL OBJECTIONS

If any interrogatory is to be answered by producing responsive documents pursuant to Rule 1.340(c), Fla. R. Civ. P., 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 OPC for purposes of inspection, copying, or handling of the responsive documents.

With respect to the "Definitions" and "Instructions" in OPC's Third Set of Interrogatories, PEF objects to any definitions or instructions that are inconsistent with PEF's discovery obligations under applicable rules. If a question arises as to PEF's discovery obligations, PEF will comply with the applicable rules of the Florida Rules of Civil Procedure

and of the Florida Public Service Commission (“Commission”) and not with any of OPC’s definitions or instructions that are inconsistent with those rules.

PEF objects to any definition or interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to the interrogatories will be made on behalf of persons or entities other than PEF.

If any interrogatory is to be answered by producing responsive documents PEF objects to providing documents in a specific electronic format. As OPC admits in its request for production of documents, there is no requirement under the Florida Rules of Civil Procedure or Commission rules that PEF provide responses in a searchable electronic format. Thus, PEF reserves the right to provide documents in electronic format at its discretion. Further, PEF objects to any interrogatory 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. PEF also objects to any interrogatory that purports to require PEF or its experts to prepare studies, analyses, or to do work for OPC that has not been done for PEF, presumably at PEF’s cost.

PEF objects to OPC’s instructions to the extent that no time period is provided. The prudence of the Company’s nuclear operations prior to January 1, 2009 (for the CR3 Uprate) and January 1, 2010 (for the LNP) has been reviewed by the Commission in previous dockets and those activities are not at issue in this docket. PEF will respond using those relevant time frames. PEF also objects to OPC’s interrogatories to the extent they request documents or information which have been previously produced to OPC as duplicative and overly burdensome to PEF to require it to make a duplicative production of documents or to duplicate previous narrative responses.

PEF generally objects to OPC's interrogatories to the extent that they call for documents 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 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 interrogatory calls for privileged or protected documents or information.

Further, in certain circumstances, PEF may determine upon investigation and analysis that documents or information responsive to certain interrogatories 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 an interrogatory, 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, Order No. PSC-11-0179-PCO-EI, issued March 29, 2011 (the "Order"). 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, and all other applicable statutes, rules and legal principles.

PEF generally objects to OPC's interrogatories to the extent that they call for the production of "all" documents or information of any nature. PEF will make a good faith, reasonably diligent attempt to identify and obtain responsive information when no objection has been asserted, but it is not practicable or even possible to identify "all" documents or information. In addition, PEF reserves the right to supplement any of its responses to OPC's interrogatories if PEF cannot produce documents or information immediately due to the

magnitude and the work required to aggregate them, or if PEF later discovers additional responsive documents or information in the course of this proceeding.

Finally, PEF objects to any attempt by OPC to evade the numerical limitations set on interrogatories 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 OPC's discovery at the time PEF's response is due under the Florida Rules of Civil Procedure and the Order. PEF provides these objections at this time to comply with the intent of the Order to reduce the delay in identifying and resolving any potential discovery disputes. In addition, PEF provides the following specific objections.

SPECIFIC OBJECTIONS

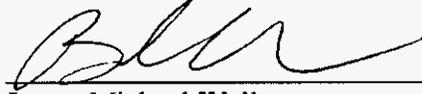
Interrogatory No. 9: PEF objects to OPC interrogatory number 9 because it is vague, ambiguous, requires PEF to speculate about events in the future, calls for a legal, not a factual, conclusion, impermissibly calls for PEF's legal position, and is not reasonably calculated to lead to the discovery of admissible evidence. Pursuant to Rule 1.340(b), Florida Rules of Civil Procedure, an interrogatory can request an opinion or contention that relates to fact, not speculation or conjecture regarding PEF's legal position in this docket with respect to some unknown, speculative, and undefined determination in the future in another docket. As a result, OPC's interrogatory number 9 is not reasonably calculated to lead to the discovery of admissible evidence in this docket.

Interrogatory No. 25: PEF objects to OPC interrogatory number 25 because it requires PEF to perform work for OPC to provide information in a particular format. Pursuant to the Florida Rules of Civil Procedure, PEF is not required to create documents or information in a particular format for OPC at PEF's cost that has not been performed by or for PEF previously.

Interrogatory No. 30: PEF object to OPC interrogatory number 30 because pursuant to the Florida Rules of Civil Procedure PEF is not required to create documents or information in a particular format for OPC at PEF's cost that has not been performed by or for PEF previously. More specifically, the question is asking for an analysis that includes total project cost, not cost to complete, and this is not the way PEF performed it analysis. Responding to this question would require PEF to perform additional analysis which it has not previously performed.

Respectfully submitted this 31st day of May, 2011.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 31st day of May, 2011.



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