

**Diamond Williams**

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**From:** Clark, Eileen [Eileen.Clark@pgnmail.com]  
**Sent:** Monday, August 15, 2011 2:56 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Keino Young; Lisa Bennett; Anna Norris; 'jbrew@bbrslaw.com'; 'George@cavros-law.com'; 'vkaufman@kagmlaw.com'; 'jmoyle@kagmlaw.com'; 'Kelly.jr@leg.state.fl.us'; 'Rehwinkel.charles@leg.state.fl.us'; 'Sayler.erik@leg.state.fl.us'  
**Subject:** Docket No.: 100437-EI  
**Attachments:** PEF'S Objections to White Springs 1st PODs (Nos. 1-2) .pdf; PEF's Objections to White Springs 1st Set of Rogs (Nos. 1-2).pdf

This electronic filing is made by:

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Docket No.: 100438-EI

In Re: Examination of the Outage and  
Replacement Fuel/Power Costs  
Associated with the CR3 Steam  
Generator Replacement Project  
By Progress Energy Florida, Inc.

On behalf of Progress Energy Florida, Inc.

The attached documents for filing:

1. PEF's Objections to White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate - White Springs' First Request for Production of Documents (Nos. 1-2) - (consisting of 5 pages).
2. PEF's Objections to White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate - White Springs' First Set of Interrogatories (Nos. 1-2) - (consisting of 3 pages).

8/15/2011

DOCUMENT NUMBER-DATE  
05773 AUG 15 =  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Examination of the Outage and  
Replacement Fuel/Power Costs  
Associated with the CR3 Steam  
Generator Replacement Project  
by Progress Energy Florida, Inc.

Docket No. 100437-EI

Filed: August 15, 2011

**PEF'S OBJECTIONS TO  
WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.  
D/B/A PCS PHOSPHATE – WHITE SPRINGS'  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (Nos. 1-2)**

Pursuant to Fla. Admin. Code R. 28-106.206 and Rule 1.350 of the Florida Rules of Civil Procedure, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs' ("White Springs") First Request for Production of Documents (Nos. 1-2) and states as follows:

**GENERAL OBJECTIONS**

PEF generally objects to the time and place of production requirement in White Springs 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 White Springs for purposes of inspection, copying, or handling of the responsive documents.

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With respect to the "Definitions" and "Instructions" in White Springs 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 White Springs 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 White Springs 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. 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, and all other applicable statutes, rules, and legal principles.

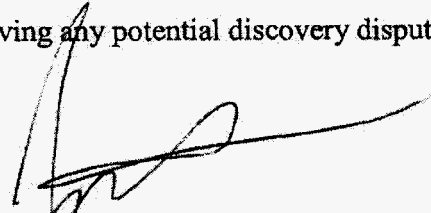
PEF generally objects to White Springs First Request for Production of Documents to the extent that it calls for the production of "all" documents of any nature, including, every copy of every document responsive to the requests. PEF will make a good faith, reasonably diligent attempt to identify and 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 White Springs 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 White Springs that has not been done for PEF, presumably at PEF's cost.

Finally, PEF objects to any attempt by White Springs 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 White Springs' discovery at the time PEF's response is due under the Florida Rules of Civil Procedure. PEF provides these

general objections at this time to comply with the intent of the Florida Rules of Civil Procedure to reduce the delay in identifying and resolving any potential discovery disputes.



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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 15<sup>th</sup> day of August, 2011 to all parties of record as indicated below.



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JOHN T. BURNETT

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