

**Diamond Williams**

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**Sent:** Thursday, October 06, 2011 10:30 AM  
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**Subject:** E-filing & E-service: PEF Objections to FlaSEIA Discovery - Dkt# 110002  
**Attachments:** PEF Objections to FlaSEIA discovery (10.6.11).pdf

**This electronic filing is made by:**

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**Docket No. 110002-EG**

**On Behalf of Progress Energy Florida, Inc.**

**Consisting of 4 Pages.**

**The attached document for filing is PEF's  
Objections to FlaSEIA's First Set of Interrogatories (Nos. 1-5)  
in the above-referenced docket.**

*Lisa Stright*

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DOCUMENT NUMBER-DATE

07282 OCT-6 =

FPSC-COMMISSION CLERK

10/6/2011

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Energy Conservation Cost  
Recovery Clause.

Docket No. 110002-E1

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Submitted for Filing: October 6, 2011

**PEF'S OBJECTIONS TO FLASEIA'S FIRST SET OF  
INTERROGATORIES (Nos. 1-5)**

Pursuant to Fla. Admin. Code R. 28-106.206, and Rule 1.340 of the Florida Rules of Civil Procedure, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Florida Solar Energy Industries Association's ("FlaSEIA") First Set of Interrogatories (Nos. 1-5) and states as follows:

**GENERAL OBJECTIONS**

With respect to the "Definitions" and "Instructions" in FlaSEIA's First 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 FlaSEIA'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 generally objects to FlaSEIA's 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.

By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to FlaSEIA's discovery at the time PEF's response is due.

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**SPECIFIC OBJECTIONS**

(1) PEF objects to FlaSEIA's First Set of Interrogatories (Nos. 1-5) because FlaSEIA has not been granted party status by the Florida Public Service Commission.

(2) PEF objects to FlaSEIA's First Set of Interrogatories (Nos. 1-5) as the request was served out of time. As outlined in Order No. PSC-11-0136-PCO-EG issued February 28, 2011, all discovery in this docket must be completed by October 20, 2011 which means that the discovery served to PEF from FlaSEIA must be served in enough time to have responses submitted on or before October 20, 2011. FlaSEIA served its discovery to PEF on Sunday, October 2, 2011 via electronic email. A twenty day discovery response time would make responses due on October 22, 2011. Therefore, PEF objects to FlaSEIA's discovery because it's out of time.

Respectfully submitted,

  
R. ALEXANDER GLENN

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DIANNE M. TRIPLETT

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

  
DIANNE M. TRIPLETT

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