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Sent: Monday, February 25, 2013 12:54 PM
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Subject: Filing Docket 100437
Attachments: PEF Objections to Staff's 4th Interr (Nos. 53-54).pdf; PEF Objections to Staff 5th Req for Prod of Docs (Nos. 16-18).pdf

Docket 100437

In re: Examination of the outage and replacement Fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.

1. Attached for filing and service are:
 - a. Progress Energy Florida, Inc.'s Objections to Staff's Fifth Request for Production of Documents to Progress Energy Florida, Inc. (Nos. 16-18) [5 pages]; and
 - b. Progress Energy Florida, Inc.'s Objections to Staff's Fourth Set of Interrogatories to Progress Energy Florida, Inc. (Nos. 53-54) [4 pages].
2. These documents are being filed on behalf of Progress Energy Florida, Inc.
3. These documents are being filed by

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01008 FEB 25 2013

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: February 25, 2013

**PROGRESS ENERGY FLORIDA, INC.'S OBJECTIONS TO
STAFF'S FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS TO PROGRESS
ENERGY FLORIDA, INC. (NOS. 16-18)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rules 1.280 and 1.350 of the Florida Rules of Civil Procedure, and the Second Revised Order Establishing Procedure, Order No. PSC-13-0084-PCO-EI, issued February 13, 2013 (the "Order"), in this matter, Progress Energy Florida, Inc. ("PEF" or the "Company") hereby makes its objections to the Florida Public Service Commission Staff ("Staff's) Fifth Request for Production of Documents (Nos.16-18) and states as follows:

GENERAL OBJECTIONS

PEF generally objects to the time and place of production requirement in Staff's Fifth Request for Production of 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 Staff for purposes of inspection, copying, or handling of the responsive documents.

PEF generally objects to Staff's requests 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 within a reasonable time or as may be agreed to by the parties to the extent that a 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 also generally objects to Staff's Fifth 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. PEF objects to the definition of the term "document" as overbroad and not reasonably calculated to lead to the discovery of admissible evidence. In addition, PEF reserves the right to supplement any of its responses to Staff's requests if PEF cannot produce documents immediately due to their magnitude and the work required aggregating them, or if PEF later discovers additional responsive documents in the course of this proceeding.

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 applicable 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 Staff's discovery at the time PEF's response is due under the Florida Rules of Civil Procedure.

SPECIFIC OBJECTIONS

Staff Request Number 16:

SPECIFIC OBJECTION: PEF objects to this request to the extent the request calls for the production of documents protected by the attorney-client privilege, the work product doctrine, or other applicable privilege or protection afforded by law. PEF will provide a privilege log within a reasonable time or as may be agreed to by the parties to the extent that the document request calls for the production of privileged or protected documents. PEF also objects to the term "Progress Energy Florida's Nuclear Program" as not relevant or reasonably calculated to lead to the discovery of admissible evidence relative to the issues in this Docket to the extent the term seeks to encompass nuclear projects other than Crystal River Unit 3 which is the subject of this Docket.

Staff Request Number 17:

SPECIFIC OBJECTION: PEF objects to this request to the extent the request calls for the production of documents protected by the attorney-client privilege, the work product doctrine, or other applicable privilege or protection afforded by law. PEF will provide a privilege log within a reasonable time or as may be agreed to by the parties to the extent that the document request calls for the production of privileged or protected documents. PEF also objects to the term "Progress Energy Florida's Nuclear Program" as not relevant or reasonably

calculated to lead to the discovery of admissible evidence relative to the issues in this Docket to the extent the term seeks to encompass nuclear projects other than Crystal River Unit 3 which is the subject of this Docket.

Respectfully submitted,

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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 25th day of February, 2013.

s/ Blaise . N. Gamba

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