

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: NUCLEAR POWER PLANT
COST RECOVERY CLAUSE

Docket No. 130009-EI
Submitted for Filing: April 25, 2013

**PROGRESS ENERGY FLORIDA, INC.'S OBJECTIONS TO
OPC'S SECOND SET OF INTERROGATORIES (Nos. 5-17)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rules 1.340 and 1.280 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure, Order No. PSC-13-0063-PCO-EI, issued January 29, 2013 (the "Order"), in this matter, Progress Energy Florida, Inc. ("PEF") serves its objections to the Office of Public Counsel's ("Citizens" or "OPC") Second Set of Interrogatories (Nos. 5-17) and states as follows:

GENERAL OBJECTIONS

PEF generally objects to the time and place of production requirement in OPC's Second Set of Interrogatories. If any interrogatory is to be answered through production of documents pursuant to Florida Rule of Civil Procedure 1.340(c), PEF 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 OPC for purposes of inspection, copying, or handling of the responsive documents.

With respect to the "Definitions" and "Instructions" in OPC's Second Set of Interrogatories:

PEF generally objects to OPC's interrogatories 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

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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 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 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 OPC's Second Set of Interrogatories to the extent that it calls for the production of "all" documents or information 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 or information when no objection has been asserted, but it is not practicable or even possible to identify, obtain, and produce "all" information or documents. In addition, PEF reserves the right to supplement any of its responses to OPC's interrogatories if PEF cannot respond immediately due to their magnitude and the work required aggregating them, or if PEF later discovers additional responsive information or documents in the course of this proceeding.

Furthermore, PEF objects to any interrogatory that calls for PEF to create documents or information that it otherwise does not have because there is no such requirement under applicable law.

PEF further objects to OPC's Instructions and Definitions to the extent that they seek to impose requirements on the responses to the Interrogatories beyond the requirements of the Florida Rules of Civil Procedure. PEF will respond to all OPC Interrogatories consistent with the requirements of the Florida Rules of Civil Procedure, and not some inconsistent and additional requirement under OPC's Instructions and Definitions.

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.

SPECIFIC OBJECTIONS

OPC's Interrogatory No. 16: PEF objects to this interrogatory to the extent it requests PEF to create documents and perform calculations that PEF would not otherwise create or perform, respectively. Neither the Rules of Civil Procedure nor the Order requires PEF to create documents that do not exist or to perform calculations that it would not otherwise perform. Subject to and without waiving the foregoing objections, PEF will provide the requested information to the extent it exists.

OPC's Interrogatory No. 17b: PEF objects to this interrogatory to the extent it requests PEF to create documents and perform calculations that PEF would not otherwise create or perform, respectively. Neither the Rules of Civil Procedure nor the Order requires PEF to create documents that do not exist or to perform calculations that it would not otherwise perform.

Subject to and without waiving the foregoing objections, PEF will provide the requested information to the extent it exists.

Respectfully submitted,

s/ Blaise N. Gamba

John T. Burnett
Deputy General Counsel
Dianne M. Triplett
Associate General Counsel
PROGRESS ENERGY FLORIDA, INC.
Post Office Box 14042
St. Petersburg, FL 33733-4042
Telephone: (727) 820-5587
Facsimile: (727) 820-5519

James Michael Walls
Florida Bar No. 0706242
Blaise N. Gamba
Florida Bar No. 0027942
Matthew R. Bernier
Florida Bar No. 0059886
CARLTON FIELDS, P.A.
Post Office Box 3239
Tampa, FL 33601-3239
Telephone: (813) 223-7000
Facsimile: (813) 229-4133

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 April, 2013.

s/ Blaise N. Gamba

Attorney

Keino Young
Staff Attorney
Michael Lawson
Staff Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee 32399
Phone: (850) 413-6218
Facsimile: (850) 413-6184
Email: kyoung@psc.fl.state.us
mlawson@psc.fl.state.us

Charles Rehwinkel
Associate Counsel
Erik Saylor
Associate Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
Phone: (850) 488-9330
Email: rehwinkel.charles@leg.state.fl.us
Saylor.erik@leg.state.fl.us

Jon C. Moyle, Jr.
Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
Phone: (850) 681-3828
Fax: (850) 681-8788
Email: jmoyle@moylelaw.com

James W. Brew
F. Alvin Taylor
Brickfield Burchette Ritts & Stone, PC
1025 Thomas Jefferson St NW
8th FL West Tower
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807
Email: jbrew@bbrslaw.com
ataylor@bbrslaw.com

Mr. Paul Lewis, Jr.
Progress Energy Service Company, LLC
106 East College Avenue, Ste. 800
Tallahassee, FL 32301-7740
Phone: (850) 222-8738
Facsimile: (850) 222-9768
Email: paul.lewisjr@pgnmail.com

Florida Power & Light Company
Jessica A. Cano/Bryan S. Anderson
700 Universe Boulevard
Juno Beach, FL 33408
Phone: 561-304-5226
Facsimile: 561-691-7135
Email: Jessica.Cano@fpl.com

Kenneth Hoffman
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1858
Phone: 850-521-3919/FAX: 850 521-3939
Email: Ken.Hoffman@fpl.com