

## Eric Fryson

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**Sent:** Thursday, May 09, 2013 1:50 PM  
**To:** Filings@psc.state.fl.us  
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**Subject:** Filing Docket 100437  
**Attachments:** Duke Energy Florida, Inc.'s Objection to Citizens' Ninth Set of Requests for Production of Documents (Nos. 88-96) \_1.pdf

Docket 100437-EI

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

1. Duke Energy Florida, Inc.'s Objections to Citizens' Ninth Set of Requests for Production of Documents (Nos. 88-96) is attached for filing.
2. This document contains 6 pages.
3. This document is being filed on behalf of Duke Energy Florida, Inc.
4. This document is being filed by

Cindy F. Thompson, on behalf of Matthew Bernier  
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DOCUMENT NUMBER - DATE

02584 MAY-9 2013

FPSC - COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

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Docket No. 100437-EI

Filed: May 9, 2013

**DUKE ENERGY FLORIDA, INC.'S OBJECTIONS TO  
CITIZENS' NINTH SET OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS (NOS. 88-96)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rules 1.280 and 1.350 of the Florida Rules of Civil Procedure, and the Third Order Establishing Procedure, Order No. PSC-13-0175-PCO-EI, issued April 26, 2013 (the "Order"), in this matter, Duke Energy Florida, Inc. ("DEF" or the "Company") hereby makes its objections to the Office of Public Counsel's ("Citizens" or "OPC") Ninth Set of Requests for Production of Documents (Nos. 88-96) and states as follows:

**GENERAL OBJECTIONS**

DEF generally objects to the time and place of production requirement in OPC's Ninth Set of Requests for Production of Documents and will make all responsive documents available for inspection and copying at the offices of Duke 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 DEF and OPC for purposes of inspection, copying, or handling of the responsive documents.

With respect to the "Definitions" and "Instructions" in OPC's Ninth Set of Requests for Production of Documents:

DEF generally objects to OPC'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. DEF 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, DEF 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, DEF 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. DEF 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.

DEF also generally objects to OPC's Ninth Set of Requests 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. DEF 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, DEF reserves the right to supplement any of its responses to OPC's requests for production if DEF cannot produce documents immediately due to their magnitude and the work required aggregating them, or if DEF later discovers additional responsive documents in the course of this proceeding.

In addition, DEF objects to OPC's Instructions and Definitions, in particular OPC Definitions Numbers 2, 3, 4, and 5, to the extent they seek to encompass documents or information

from persons or entities other than DEF who are not parties to this Docket, who are not otherwise subject to discovery under the applicable rules and law, and to the extent these definitions request documents outside of DEF's possession, custody, or control. Furthermore, DEF objects to any request that calls for DEF to create documents that it otherwise does not have because there is no such requirement under applicable law.

Finally, DEF objects to OPC Instruction Number 2 as overbroad, and not relevant or reasonably calculated to lead to the discovery of admissible evidence relative to the issues in this Docket to the extent the instruction extends OPC's request for documents prior to 2009. Subject to its general and specific objections, DEF will produce responsive documents to the extent they exist.

By making these general objections at this time, DEF does not waive or relinquish its right to assert additional general and specific objections to OPC's discovery at the time DEF's response is due under the Florida Rules of Civil Procedure.

### **SPECIFIC OBJECTIONS**

#### **OPC Request Number 88:**

**SPECIFIC OBJECTION:** DEF objects to this request because it seeks information that is irrelevant to the issues in this docket and it is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, DEF incorporates its objections to Citizens' Eighth Set of Interrogatories filed with the Commission April 3, 2013.

#### **OPC Request Number 89:**

**SPECIFIC OBJECTION:** DEF objects to this request because it seeks information that is irrelevant to the issues in this docket and it is not reasonably calculated to lead to the discovery of admissible evidence.

**OPC Request Number 90:**

**SPECIFIC OBJECTION:** DEF incorporates its objections to Citizens' Eighth Set of Interrogatories filed with the Commission April 3, 2013.

**OPC Request Number 91:**

**SPECIFIC OBJECTION:** DEF incorporates its objections to Citizens' Eighth Set of Interrogatories filed with the Commission April 3, 2013.

**OPC Request Number 92:**

**SPECIFIC OBJECTION:** DEF incorporates its objections to Citizens' Ninth Set of Interrogatories filed with the Commission May 9, 2013.

**OPC Request Number 93:**

**SPECIFIC OBJECTION:** DEF incorporates its objections to Citizens' Ninth Set of Interrogatories filed with the Commission May 9, 2013.

**OPC Request Number 94:**

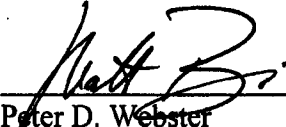
**SPECIFIC OBJECTION:** DEF incorporates its objections to Citizens' Ninth Set of Interrogatories filed with the Commission May 9, 2013.

**OPC Request Number 95:**

**SPECIFIC OBJECTION:** DEF incorporates its objections to Citizens' Ninth Set of Interrogatories filed with the Commission May 9, 2013.

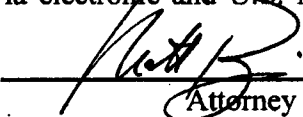
Respectfully submitted,

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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 9th day of May, 2013.

  
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