

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery Clause.

Docket No. 130009-EI  
Submitted for Filing: June 7, 2013

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**DUKE ENERGY FLORIDA, INC.'S OBJECTIONS TO  
OPC'S THIRD SET OF INTERROGATORIES (No. 18)**

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, Duke Energy Florida, Inc. ("DEF") serves its objections to the Office of Public Counsel's ("Citizens" or "OPC") Third Set of Interrogatories (No. 18) and states as follows:

**GENERAL OBJECTIONS**

DEF generally objects to the time and place of production requirement in OPC's Third Set of Interrogatories. If any interrogatory is to be answered through production of documents pursuant to Florida Rule of Civil Procedure 1.340(c), DEF 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 Third Set of Interrogatories:

DEF 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 law. DEF will provide a privilege log within a reasonable time or as may be agreed to by the

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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 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, 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 Third 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. DEF 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, DEF reserves the right to supplement any of its responses to OPC's interrogatories if DEF cannot respond immediately due to their magnitude and the work required aggregating them, or if DEF later discovers additional responsive information or documents in the course of this proceeding.

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

DEF 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. DEF 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, 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's Interrogatory No. 18:** DEF objects to this interrogatory as irrelevant to the issues in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence to the extent the interrogatory requests information regarding Duke Energy nuclear projects, other than the Levy Nuclear Project, which are not subject to this NCRC proceeding. Subject to this objection, and without waiving same, DEF will provide an appropriate response to this interrogatory.

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 7<sup>th</sup> day of June, 2013.



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