

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination )  
of Cost Effective Generation Alternative ) DOCKET NO. 140111-EI  
to Meet Need Prior to 2018 for Duke ) Submitted for filing: June 27, 2014  
Energy Florida, Inc. )  
\_\_\_\_\_ )

**DUKE ENERGY FLORIDA, INC.'S OBJECTIONS TO CALPINE CONSTRUCTION  
FINANCE COMPANY, L.P.'S FIFTH SET OF INTERROGATORIES (NO. 19)**

Pursuant to Florida Administrative Code Rule 28-106.206, Rules 1.340 and 1.280 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure, Order No. PSC-14-0275-PCO-EI, issued May 29, 2014, as amended, (the "Order") in this matter, Duke Energy Florida, Inc. ("DEF") serves its objections to Calpine Construction Finance Company, L.P.'s ("Calpine") Fifth Set of Interrogatories (No. 19) and states as follows:

**GENERAL OBJECTIONS**

With respect to the "Definitions" and "Instructions" in Calpine's Interrogatories:

DEF generally objects to the 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 parties to the extent that an interrogatory calls for the production of privileged or protected documents or information. Moreover, DEF will include in its privilege log only the information required by Florida law and not some inconsistent and additional requirement under the Instructions and Definitions.

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 the Interrogatories to the extent that they 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 the 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.

DEF further objects to the 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 Interrogatories consistent with the requirements of the Florida Rules of Civil Procedure, and not some inconsistent and additional requirement under the Instructions and Definitions.

Respectfully submitted this 27th day of June, 2014.

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

/s/ Blaise N. Gamba  
James Michael Walls  
Florida Bar No. 0706242  
Blaise N. Gamba  
Florida Bar No. 0027942  
CARLTON FIELDS JORDEN BURT, 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 mail this 27th day of June, 2014.

/s/ Blaise N. Gamba

Attorney

Michael Lawson  
Florida Public Service Commission Staff  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Phone: (850) 413-6199  
Facsimile: (850) 413-6184  
Email: [mlawson@psc.state.fl.us](mailto:mlawson@psc.state.fl.us)

Charles Rehwinkel  
Deputy Public Counsel  
Erik Saylor  
Associate Public 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](mailto:rehwinkel.charles@leg.state.fl.us)  
[Saylor.erik@leg.state.fl.us](mailto:Saylor.erik@leg.state.fl.us)

Jon C. Moyle, Jr.  
Karen A. Putnal  
Moyle Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301  
Phone: (850) 681-3828  
Fax: (850) 681-8788  
Email: [jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto:kputnal@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](mailto:jbrew@bbrslaw.com)  
[ataylor@bbrslaw.com](mailto:ataylor@bbrslaw.com)

Robert Scheffel Wright  
John T. LaVia, III  
Gardner Law Firm  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
Phone: (850) 385-0070  
Email: [Schef@gbwlegal.com](mailto:Schef@gbwlegal.com)  
[Jlavia@gbwlegal.com](mailto:Jlavia@gbwlegal.com)

Marsha E. Rule  
Rutledge Ecenia, P.A.  
119 South Monroe St., Ste. 202  
Tallahassee, FL 32301  
Phone: (850) 681-6788  
Fax: (850) 681-6515  
Email: [marsha@rutledge-ecenia.com](mailto:marsha@rutledge-ecenia.com)

Gordon D. Polozola  
General Counsel – South Central Region  
NRG Energy, Inc.  
112 Telly Street  
New Roads, LA 70760  
Phone: (225) 618-4084  
Email: [Gordon.Polozola@nrgenergy.com](mailto:Gordon.Polozola@nrgenergy.com)

Richard A. Zambo  
Richard A. Zambo, P.A.  
2336 S.E. Ocean Blvd., #309  
Stuart, FL 34966  
Phone: (772) 225-5400  
Email: [richzambo@aol.com](mailto:richzambo@aol.com)