

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination that) DOCKET NO. 150043-EI
the Osprey Plant Acquisition and,)
alternatively, the Suwannee Simple) Submitted for filing: May 11, 2015
Cycle Project is the most Cost Effective)
Generation Alternative to meet the)
Remaining Need Prior to 2018 for)
Duke Energy Florida, Inc.)
_____)

DUKE ENERGY FLORIDA, INC.’S OBJECTIONS TO STAFF’S FOURTH SET OF INTERROGATORIES (NOS. 45-46)

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-15-0110-PCO-EI, issued Feb. 20, 2015 (the “Order”) in this matter, Duke Energy Florida, Inc. (“DEF”) serves its objections to the Staff of the Florida Public Service Commission (“Staff”) Fourth Set of Interrogatories (Nos. 45-46) and states as follows:

OBJECTIONS

DEF 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 if 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.

By agreeing to provide information in response to an interrogatory, DEF is not waiving its right to object to the introduction of such information into evidence at the hearing of this matter.

DEF further objects to the 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 Definitions.

With respect to Interrogatory Nos. 45a. and b. DEF objects to these interrogatories because they request DEF to create information that it does not have and perform analyses that do not presently exist. DEF will review the information it reasonably has and provide an appropriate response to the extent it can.

Respectfully submitted this 11th day of May, 2015.

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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 mail this 11th day of May, 2015.

/s/ Blaise N. Gamba

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