

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power cost recovery  
clause with generating performance incentive  
factor.

DOCKET NO. 20220001-EI

DATED: May 31, 2022

**DUKE ENERGY FLORIDA, LLC'S OBJECTIONS TO  
OPC'S FOURTH SET OF INTERROGATORIES (NOS. 31-69) AND OPC'S FOURTH  
REQUEST TO PRODUCE DOCUMENTS (NOS. 19-39)**

Pursuant to Order No. PSC-2022-0052-PCO-EI, the Order Establishing Procedure ("OEP"), Rule 28-106.206, Florida Administrative Code ("F.A.C."), and Rule 1.340, Florida Rules of Civil Procedure, Duke Energy Florida, LLC ("DEF") hereby serves its objections to the Office of Public Counsel's ("OPC") Fourth Set of Interrogatories (Nos. 31-69) and OPC's Fourth Request to Produce Documents (Nos. 19-39), and states as follows:

**GENERAL OBJECTIONS**

With respect to the "Definitions" and "Instructions" in OPC's First Set of Interrogatories and OPC's First Request to Produce Documents, DEF objects to any definitions or instructions that are inconsistent with or seek to expand upon DEF's discovery obligations under applicable rules. If some question arises as to DEF's discovery obligations, DEF will comply with applicable rules and not with any of OPC's definitions or instructions that are inconsistent with or expanding upon the requirements those rules. Furthermore, DEF objects to any interrogatory or request to produce that calls for DEF to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

DEF objects to any definition or interrogatory or request to produce that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

Additionally, DEF generally objects to OPC's interrogatories or request to produce to the extent that they call for data or information 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 also objects to any request that purports to require DEF to provide "any and all" documents of a specific nature or describe "all instances" in which DEF took a particular action; it is practically impossible definitively state that any and all documents have been located, identified, or produced. DEF will make a good faith effort to locate and provide responsive documents or identify specific instances of Company action or recommendation, but cannot and does not warrant that "any and all" documents have been identified or produced or that "all instances" of a given action have been identified as requested. Similarly, DEF objects to any request that request production of all documents "identified in or related to" a given response. The phrase "related to" is vague, ambiguous, and given the subject matter at issue, inherently overbroad and as such cannot be complied with as written.

DEF further objects to any request seeking information that is otherwise publicly available to OPC (e.g., has been filed with the Commission and is available from its website).

Finally, DEF objects to any attempt by OPC to evade any numerical limitations set on interrogatories or request to produce by asking multiple independent questions within single individual questions and subparts.

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 as they become known. Moreover, notwithstanding these general objections or any additional specific objections enumerated below, DEF's response to any objectionable request is not intended as a waiver of such objection – any response is made subject to and without waiving DEF's objections.

### **SPECIFIC OBJECTIONS**

#### **OPC's Fourth Set of Interrogatories**

**Interrogatory No. 31c:** DEF objects to this interrogatory as overbroad and unduly burdensome. Without more specificity (e.g., specific employees' names or titles, specific keywords to search, specific timeframes) it would require DEF to collect and analyze months of emails of potentially hundreds of employees, an effort that could require hundreds of hours to complete. Moreover, this request is vague and ambiguous in that it seeks "other documentation associated with" the outage in question without defining with at least some level of particularity what is being requested.

**Interrogatory No. 32c:** DEF objects to this interrogatory as overbroad and unduly burdensome. Without more specificity (e.g., specific employees' names or titles, specific keywords to search, specific timeframes) it would require DEF to collect and analyze months of emails of potentially hundreds of employees, an effort that could require hundreds of hours to complete. Moreover, this request is vague and ambiguous in that it seeks "other documentation associated with" the outage in question without defining with at least some level of particularity what is being requested.

**Interrogatory No. 33c:** DEF objects to this interrogatory as overbroad and unduly burdensome. Without more specificity (e.g., specific employees' names or titles, specific

keywords to search, specific timeframes) it would require DEF to collect and analyze months of emails of potentially hundreds of employees, an effort that could require hundreds of hours to complete. Moreover, this request is vague and ambiguous in that it seeks “other documentation associated with” the outage in question without defining with at least some level of particularity what is being requested.

**Interrogatory No. 34c:** DEF objects to this interrogatory as overbroad and unduly burdensome. Without more specificity (e.g., specific employees’ names or titles, specific keywords to search, specific timeframes) it would require DEF to collect and analyze months of emails of potentially hundreds of employees, an effort that could require hundreds of hours to complete. Moreover, this request is vague and ambiguous in that it seeks “other documentation associated with” the outage in question without defining with at least some level of particularity what is being requested.

**Interrogatory No. 35:** DEF objects to this interrogatory as overbroad and unduly burdensome. Without more specificity (e.g., specific employees’ names or titles, specific keywords to search, specific timeframes) it would require DEF to collect and analyze months of emails of potentially hundreds of employees, an effort that could require hundreds of hours to complete. Moreover, this request is vague and ambiguous in that it seeks “other documentation associated with” the scheduling process in question without defining with at least some level of particularity what is being requested.

**Interrogatory No. 36b:** DEF objects to this interrogatory as overbroad and unduly burdensome. Without more specificity (e.g., specific employees’ names or titles, specific keywords to search, specific timeframes) it would require DEF to collect and analyze months of emails of potentially hundreds of employees, an effort that could require hundreds of hours to

complete. Moreover, this request is vague and ambiguous in that it seeks “other documentation associated with testing and decisions to perform testing” without defining with at least some level of particularity what is being requested.

**Interrogatory No. 38c:** DEF objects to this interrogatory as overbroad and unduly burdensome. Without more specificity (e.g., specific employees’ names or titles, specific keywords to search, specific timeframes) it would require DEF to collect and analyze months of emails of potentially hundreds of employees, an effort that could require hundreds of hours to complete. Moreover, this request is vague and ambiguous in that it seeks “other documentation associated with” the OEM’s assessment of temperatures and alarm set points without defining with at least some level of particularity what is being requested.

#### OPC’s Fourth Request to Produce

**Request to Produce No. 19:** DEF restates and incorporates its objection to Interrogatory number 31c.

**Request to Produce No. 20:** DEF restates and incorporates its objection to Interrogatory number 32c.

**Request to Produce No. 21:** DEF restates and incorporates its objection to Interrogatory number 33c.

**Request to Produce No. 22:** DEF restates and incorporates its objection to Interrogatory number 34c.

**Request to Produce No. 23:** DEF restates and incorporates its objection to Interrogatory number 35.

**Request to Produce No. 24:** DEF restates and incorporates its objection to Interrogatory number 36c.

**Request to Produce No. 26:** DEF restates and incorporates its objection to Interrogatory number 38.

Respectfully submitted,

*s/Matthew R. Bernier*

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