

**Dorothy Menasco**

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**From:** Tibbetts, Arlene [Arlene.Tibbetts@pgnmail.com]  
**Sent:** Monday, March 19, 2007 4:33 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** miketwomey@talstar.com; lwillis@ausley.com; jbeasley@ausley.com; x2badder@southernco.com; karen.white@tyndall.af.mil; jmcwhirter@mac-law.com; bill\_walker@fpl.com; wade\_litchfield@fpl.com; john\_butler@fpl.com; sdriteno@southernco.com; nhorton@lawfla.com; mcglathlin.joseph@leg.state.fl.us; jbrew@bbrslaw.com; regdept@tecoenergy.com; swright@yvlaw.net; jlavia@yvlaw.net; cecilia\_bradley@oag.state.fl.us; Lisa Bennett; Lorena Holley; mwalls@carltonfields.com; Triplett, Dianne  
**Subject:** Docket 060658-EI - Objections to Staff Interrogatories  
**Attachments:** Objections to Staff's 5th ROGs.pdf

ORIGINAL

This electronic filing is made by:

John T. Burnett  
P.O. Box 14042  
St. Petersburg, FL 33733  
727-820-5184  
John.burnett@pgnmail.com

Docket: 060658-EI

In re: Petition on behalf of Citizens of the State of Florida to require  
Progress Energy Florida, Inc. to refund to customers \$143 million

On behalf of Progress Energy Florida

Consisting of 4 pages.

The attached document for filing is Progress Energy Florida's  
Objections to Staff's 5th Set of Interrogatories (93-97) (a PDF document)  
<<Objections to Staff's 5th ROGs.pdf>>

DOCUMENT NUMBER-DATE

02447 MAR 19 5

3/19/2007

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition on behalf of Citizens of the  
State of Florida to require Progress Energy  
Florida, Inc. to refund to customers \$143 million

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Docket No. 060658-EI

Submitted for Filing: March 19, 2007

**PEF'S OBJECTIONS TO STAFF'S FIFTH SET OF  
INTERROGATORIES (Nos. 93-97)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Fla. R. Civ. P., Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Office of General Counsel's ("Staff's") Fifth Set of Interrogatories (Nos. 93-97).

**GENERAL OBJECTIONS**

PEF generally objects to Staff's interrogatories 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.

PEF objects to Staff interrogatories to the extent that they attempt to evade the numerical limitations set forth in the Order Establishing Procedure, Order No. PSC-07-0048-PCO-EI by using subparts.

PEF also objects to any Interrogatory or Request for Production that purports to require PEF or its experts to prepare studies, analyses, or to do work for Staff that has not been done for PEF, presumably at PEF's cost.

Finally, PEF reserves the right to supplement any of its responses to Staff's Interrogatories if PEF cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if PEF later discovers additional responsive information in the course of this proceeding.

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By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to Staff's discovery at the time PEF's response is due.

### **SPECIFIC OBJECTIONS**

**Interrogatory 93(a)**: PEF objects to this interrogatory as it calls for speculation because Mr. Kennedy did not draft the letter. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this question as to Mr. Kennedy's interpretation.

**Interrogatory 93(b)**: PEF objects to this interrogatory as it is vague, confusing, and PEF is not sure what this question is asking. Subject to and without waiving this objection or any of PEF's general objections, PEF interprets the question to mean: were any CR4 and CR5 environmental control devices specifically designed to accommodate coal mined from Boone County, West Virginia.

**Interrogatory 93(c)**: PEF incorporates its objection to question 93(b) above.

**Interrogatory 93(g)**: PEF objects to this interrogatory, in part, as overbroad, and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence. Specifically, PEF objects to the information requested for the past 20 years, since not all such information has relevance to or bearing on this proceeding. Subject to and without waiving these objections or any of PEF's general objections, PEF will produce any such information for 1996 through 2005.

**Interrogatory 93(h)**: PEF objects to this interrogatory, in part, as overbroad, and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence. Specifically, PEF objects to the information requested for the past 20 years, since not all such information has relevance to or bearing on this proceeding. PEF also objects to this question to the extent that it calls for a legal opinion or legal conclusion. Subject to and without waiving these objections or any of PEF's general objections, PEF will produce any such information for 1996 through 2005.

**Interrogatory 94(c)**: PEF objects to this interrogatory as vague and because PEF does not know what Staff means by flexibility. PEF further objects to this question to the extent that it calls for a legal opinion or legal conclusion.

**Interrogatory 94(d)**: PEF objects to this interrogatory to the extent that it calls for a legal opinion or legal conclusion.

**Interrogatory 94(f)**: PEF objects to this interrogatory as vague because PEF does not know what Staff means by capability. Subject to and without waiving these objections or any of PEF's general objections, PEF will provide ratings in the Ten Year Site Plan at that time to the extent such information is available.

**Interrogatory 95**: PEF objects to this interrogatory as irrelevant to the extent that it is asking for derates not due to the type of fuel being burned.

**Interrogatory 95(b)**: PEF objects to this interrogatory as irrelevant to the extent that it is asking for derates not due to the type of fuel being burned.

**Interrogatory 96**: PEF objects to this interrogatory as irrelevant to the extent that it is asking for derates not due to the type of fuel being burned.

**Interrogatory 96(b)**: PEF objects to this interrogatory as irrelevant to the extent that it is asking for derates not due to the type of fuel being burned.

Respectfully submitted,



R. Alexander Glenn  
Deputy General Counsel – Florida  
John T. Burnett  
Associate General Counsel  
PROGRESS ENERGY SERVICE  
COMPANY, LLC  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
Telephone: (727) 820-5587  
Facsimile: (727) 820-5519



Gary L. Sasso  
Florida Bar No. 0622575  
James Michael Walls  
Florida Bar No. 0706242  
Dianne M. Triplett  
Florida Bar No. 0872431  
CARLTON FIELDS, P.A.  
4421 W. Boy Scout Blvd.  
Ste. 1000 (33607)  
Post Office Box 3239  
Tampa, FL 33601-3239  
Telephone: (813) 223-7000  
Facsimile: (813) 229-4133

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Objections to Staff's Fifth Set of Interrogatories (93-97), in Docket No. 060658-EI have been furnished by regular U.S. mail to the following this 19 day of March, 2007.

  
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Attorney

Lisa Bennett, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Michael B. Twomey  
P.O. Box 5256  
Tallahassee, FL 32314-5256

Lee L. Willis, Esq.  
James D. Beasley, Esq.  
Ausley & McMullen  
P.O. Box 391  
Tallahassee, FL 32302

Karen S. White, Lt. Col., USAF  
Damund E. Williams, Capt., USAF  
AFLSA/JACL-ULT  
139 Barnes Drive, Suite 1  
Tyndall AFB, FL 32403-5319

Jeffrey A. Stone  
Russell A. Badders  
Steven R. Griffin  
Beggs & Lane  
P.O. Box 12950  
Pensacola, FL 32591

Ms. Paula K. Brown  
Regulatory Affairs  
Tampa Electric Company  
P.O. Box 111  
Tampa, FL 33601-0111

Norman Horton, Jr.  
Messer, Caparello & Self, P.A.  
P.O. Box 15579  
Tallahassee, FL 32317

Joseph A. McGlothlin, Esq.  
Office of Public Counsel  
111 W. Madison St., Room 812  
Tallahassee, FL 32399

Florida Industrial Power Users Group  
c/o John W. McWhirter, Jr.  
McWhirter Reeves  
400 North Tampa Street, Suite 2450  
Tampa, FL 33602

Ms. Cheryl Martin  
Florida Public Utilities Company  
P.O. Box 3395  
West Palm Beach, FL 33402-3395

Young van Assenderp, P.A.  
Robert Scheffel Wright/John LaVia, III  
225 South Adams St., Suite 200  
Tallahassee, Florida 32301

Florida Power & Light Co.  
R. Wade Litchfield, Esq.  
John T. Butler  
Natalie Smith  
700 Universe Blvd.  
Juno Beach, FL 33408-0420

Florida Power & Light Co.  
Bill Walker  
215 S. Monroe Street, Suite 810  
Tallahassee, FL 32301

Susan D. Ritenour  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

James W. Brew  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson St. NW  
8<sup>th</sup> Floor, West Tower  
Washington, DC 20007-5201

Florida Retail Federation  
100 E. Jefferson St.  
Tallahassee, FL 32301

Cecilia Bradley  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050