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**Subject:** eFiling: Docket 070001  
**Attachments:** Objections to OPC Interrogatories.pdf

**ORIGINAL**

This electronic filing if made by:

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Docket: 070001-EI

In re: Fuel and Purchase Power Cost Recovery Clause with Generating Performance Incentive Factor

On behalf of Progress Energy Florida

Consisting of 4 pages

The attached document for filing is PEF's Objections to OPC's First Set of Interrogatories (Nos. 1-8)

<<Objections to OPC Interrogatories.pdf>>

8/14/2007

DOCUMENT NUMBER-DATE  
07147 AUG 14 5  
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Fuel and Purchased Power Cost  
Recovery Clause with Generating  
Performance Incentive Factor

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Docket No. 070001-EI

ORIGINAL

Submitted for Filing: August 14, 2007

**PEF'S OBJECTIONS TO OPC'S FIRST  
SET OF INTERROGATORIES (Nos. 1-8)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Office of Public Counsel's ("OPC's") First Set of Interrogatories (Nos. 1-8) and states as follows:

**GENERAL OBJECTIONS**

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

PEF objects to OPC's definition "(i)" given that it includes "affiliates" in the definitions of "PEF" and "Progress Fuels." PEF objects to any definition or interrogatory that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

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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 OPC that has not been done for PEF, presumably at PEF's cost.

Additionally, PEF generally objects to OPC'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.

Finally, PEF reserves the right to supplement any of its responses to OPC'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.

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

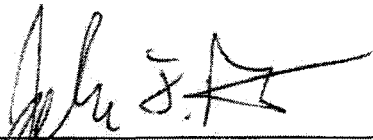
#### **SPECIFIC OBJECTIONS**

**Interrogatory 1:** Subject to the Company's general objections, and without waiving same, PEF objects to OPC's interrogatory number 1 because it is vague and ambiguous. PEF reads this interrogatory as calling for information regarding any company on PEF's Form 423-2 that is an affiliate of PEF or an affiliate of any entity procuring fuel on PEF's behalf. Subject to this interpretation, PEF will respond to interrogatory 1.

**Interrogatory 2:** Subject to the Company's general objections, and without waiving same, PEF objects to OPC's interrogatory number 2 to the extent it calls for information regarding entities that are not PEF or that are not acting on PEF's behalf. PEF also objects to the

information requested from January 1, 2005 through December 31, 2005, since such information is not relevant or material to any issue in this proceeding.

**Interrogatory 7:** Subject to the Company's general objections, and without waiving same, PEF objects to OPC's interrogatory number 7 as vague and ambiguous due to the use of the word "support" in that interrogatory.

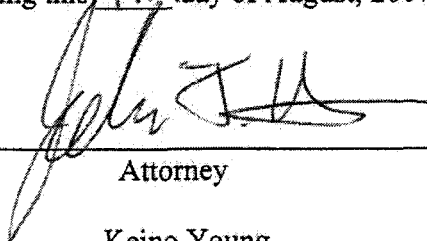


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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Objections to Citizens First Set of Interrogatories (Nos. 1-8), in Docket No. 070001-EI has been furnished by regular U.S. mail to the following this, 19<sup>th</sup> day of August, 2007.



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