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Subject: Electronic Filing Docket No. 090079
Attachments: PEF's Objections to OPC's First Interrogatories (Nos. 1-52).pdf

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1. The filing is to be made in Docket 090079-EI, In re: Petition for rate increase in rates by Progress Energy Florida, Inc.
2. The total number of pages is 18.
3. The attached document is Progress Energy Florida, Inc.'s Objections to OPC's First Set of Interrogatories (Nos. 1-52).

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*[CLK Note: only 10 pag
of pleading rec'd.]
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DOCUMENT NUMBER-DATE

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4/14/2009

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Increase in Rates by
Progress Energy Florida, Inc.

Docket No. 090079-EI
Submitted for Filing: April 14, 2009

**PEF'S OBJECTIONS TO OPC'S FIRST
SET OF INTERROGATORIES (Nos. 1-52)**

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 Public Counsel's ("OPC's") First Set of Interrogatories (Nos. 1-52).

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 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

Request 1: PEF objects to interrogatory number 1 to the extent it seeks information regarding Purchase Power Agreements ("PPAs") PEF anticipates entering with "CP&L" in 2011. The 2011 projected information, if any exists, is irrelevant to this case and has no bearing on this proceeding, nor is that information likely to lead to the discovery of admissible evidence. Furthermore, the entity "CP&L" no longer exists; PEF assumes that OPC meant to refer to Progress Energy Carolina ("PEC"). To the extent that these interrogatories properly seek information regarding that entity, PEF will respond accordingly.

Request 3: PEF objects to interrogatories 3 because it calls for PEF to provide information related to other entities (i.e. "Progress Energy, Inc." and "Progress Energy Service Company") that are not within PEF's possession, custody, or control and are not parties to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 4: PEF objects to interrogatory number 4 because it requests “descriptive statistics” for 2011. The 2011 projected information, if any exists, is irrelevant to this case and has no bearing on this proceeding, nor is that information likely to lead to the discovery of admissible evidence. PEF further objects to this interrogatory to the extent that it calls for PEF to provide information related to another entity (i.e. “PEC”) that is not within PEF’s possession, custody, or control and is not a party to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 5: PEF objects to interrogatory number 5 to the extent that it calls for PEF to provide information related to another entity (i.e. “PEC”) that is not within PEF’s possession, custody, or control and is not a party to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 6: PEF objects to interrogatory number 6 because it calls, in part, for PEF to produce data in a specific electronic format regardless of whether the information exists in that format. If PEF has any responsive data in the electronic form requested, PEF will provide that data to OPC in that form. Otherwise, PEF will produce data to OPC in the format in which it exists.

Request 7: PEF objects to interrogatory number 7(c) because it calls for PEF to provide information (i.e. “the amount of revenue generated by each non-regulated service or product”) that is wholly irrelevant to this proceeding and is not likely to lead to the discovery of admissible

information. Furthermore, PEF objects to interrogatories 7(d), (e), and (f) to the extent that they seek to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 10: PEF objects to interrogatory number 10 to the extent that it calls for PEF to provide information related to other entities (i.e. "each affiliate, subsidiary") that are not within PEF's possession, custody, or control and are not parties to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 11: PEF objects to interrogatory number 11 to the extent that it calls for PEF to provide information related to other entities (i.e. "Progress Energy, Inc. and each major affiliate, subsidiary and division" thereof) that are not within PEF's possession, custody, or control and are not parties to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 17: PEF objects to interrogatory number 17 to the extent that it is duplicative of interrogatory number 9, specifically 9(a).

Request 21: PEF objects to interrogatory number 21 because it calls for PEF to provide information related to other entities (i.e. "Progress Energy, Inc. and each of its subsidiaries or affiliates) that are not within PEF's possession, custody, or control and are not parties to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other

than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 23: PEF objects to interrogatory number 23 because it calls for PEF to provide information related to another entity (i.e. "Progress Energy, Inc.") that is not within PEF's possession, custody, or control and is not a party to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 25: PEF objects to interrogatory number 25 because it calls for PEF to provide information related to another entity (i.e. "Progress Energy Services [sic], Co.") that is not within PEF's possession, custody, or control and is not a party to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 26: PEF objects to interrogatory number 26 because it calls for PEF to provide information related to another entity (i.e. "Progress Energy Services [sic], Co.") that is not within PEF's possession, custody, or control and is not a party to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 27: PEF objects to interrogatory number 27 because it requests information regarding sales that have no bearing on Progress Energy Florida and are therefore irrelevant to these proceedings. PEF objects to any interrogatory that seeks to encompass persons or entities

other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 28: PEF objects to interrogatory number 28 to the extent it calls for PEF to provide information related to another entity (i.e. "the Company's 10-K") that is not within PEF's possession, custody, or control and is not a party to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 29: PEF objects to interrogatory number 29 to the extent it calls for PEF to provide information related to another entity (i.e. "affiliates that were acquired by Progress Energy, Inc., . . . in 2008 and acquired or anticipated to be acquired in 2009 and 2010.") that is not within PEF's possession, custody, or control and is not a party to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 30: PEF objects to interrogatory number 30 to the extent it calls for PEF to provide information related to another entity (i.e. "affiliates that were divested by Progress Energy, Inc., . . . in 2008 and divested or anticipated to be divested in 2009 and 2010.") that is not within PEF's possession, custody, or control and is not a party to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 32: PEF objects to interrogatory number 32 to the extent it calls for PEF to

provide information related to other entities (i.e. “names, titles, and duties of all common officers and directors of Progress Energy, Inc. and its affiliates, divisions and subsidiaries”) that are not within PEF’s possession, custody, or control and are not parties to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 34: PEF objects to interrogatory number 34 to the extent it calls for PEF to provide information related to other entities (i.e. “each affiliate that provides services” to PEF) that are not within PEF’s possession, custody, or control and are not parties to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 38: PEF objects to interrogatory number 38 to the extent it calls for PEF to provide information related to other entities (i.e. “entities that house Progress Energy, Inc. employees”) that are not within PEF’s possession, custody, or control and are not parties to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 40: PEF objects to interrogatory number 40 to the extent it calls for PEF to provide information related to another entity (i.e. “specific performance targets of the Progress Energy, Inc. . . . executive compensation plan”) that is not within PEF’s possession, custody, or control and is not a party to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not

subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 41: PEF objects to interrogatory number 41 to the extent it calls for PEF to provide information (e.g., “For each asset transferred, please indicate if the affiliate subsequently sold the asset”) related to another entity that is not within PEF’s possession, custody, or control and is not a party to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 49: PEF objects to interrogatory number 49 to the extent it asks PEF to do work or perform analyses for OPC, presumably at PEF’s expense, where such work or analyses have not been previously done for PEF. Furthermore, PEF objects to the interrogatory because it calls, in part, for PEF to produce data in a specific electronic format regardless of whether the information exists in that format. If PEF has any responsive data in the electronic form requested, PEF will provide that data to OPC in that form. Otherwise, if the data exists, PEF will produce it to OPC in the format in which it exists.

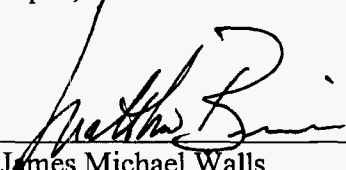
Request 50: PEF objects to interrogatory number 50 to the extent it calls for PEF to provide information related to other entities (i.e. “every other affiliate”) that are not within PEF’s possession, custody, or control and are not parties to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF.

Request 52: PEF objects to interrogatory number 52 because it calls for PEF to provide

information relating to the actions of another entity (i.e. PEF's "parent company") that is not within PEF's possession, custody, or control and is not a party to this proceeding. PEF objects to any interrogatory that seeks to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to these interrogatories will be made on behalf of persons or entities other than PEF. Furthermore, PEF objects to this interrogatory to the extent that it seeks information for the years 2000-2005. Information from those years is irrelevant, has no bearing on this proceeding, and is not likely to lead to the discovery of admissible evidence.

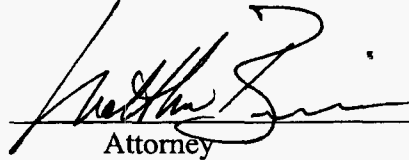
Respectfully submitted this ^{14th} day of April, 2009.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this 14th day of April, 2009 to all counsel of record as indicated below.



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