

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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IN RE:  
PETITION FOR INCREASE IN RATES  
BY PROGRESS ENERGY FLORIDA, INC.

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Docket No. 090079-EI  
Submitted for filing: June 2, 2009

**PEF'S OBJECTIONS TO STAFF'S FIFTH  
SET OF INTERROGATORIES (NOS. 72-101)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.350 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 Florida Public Service Commission Staff's ("Staff") Fifth Set of Interrogatories (Nos. 72-101) and states as follows:

**GENERAL OBJECTIONS**

PEF will make all responsive documents available for inspection and copying at the offices of PEF, 106 E. College Ave., Suite 800, Tallahassee, Florida, 32301 at a mutually-convenient time, or will produce the documents in some other manner or at some other place that is mutually convenient to both PEF and Staff for purposes of inspection, copying, or handling of the responsive documents.

With respect to any "Definitions" and "Instructions" in Staff's 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 Staff's definitions or instructions that are inconsistent with those rules.

## SPECIFIC OBJECTIONS

**Request 78:** PEF objects to Staff's interrogatory number 78 because that request calls for PEF to provide Staff with publicly available CPI information and for PEF or its third-party consultant to perform calculations or studies on Staff's behalf that have not been performed by or for PEF's behalf, presumably at PEF's expense. PEF will provide information regarding the performance of the trust in question, and once Staff obtains the publicly available CPI information, Staff will be able to make the comparison calculations or studies that Staff is requesting.

**Request 85:** PEF objects to Staff's interrogatory number 85 because it requests PEF to estimate trustee fees for the period ending December 31, 2009 that simply cannot be estimated with any degree of certainty. The fees depend on the average balance of the fund, which cannot be accurately estimated because of the number of variables that could affect such an estimate. PEF will respond to this interrogatory using the actual information through December 31, 2008, which will provide a more meaningful comparison.

**Request 86:** PEF objects to Staff's interrogatory number 86 because it requests PEF to estimate investor management fees for the period ending December 31, 2009 that simply cannot be estimated with any degree of certainty. The fees depend on the average balance of the fund, which cannot be accurately estimated because of the number of variables that could affect such an estimate. PEF will respond to this interrogatory using the actual information through December 31, 2008, which will provide a more meaningful comparison.

**Request 87:** PEF objects to Staff's interrogatory number 87 because it requests PEF to estimate total administrative costs for the period ending December 31, 2009 that simply cannot be estimated with any degree of certainty. The costs depend on the average balance of the fund,

which cannot be accurately estimated because of the number of variables that could affect such an estimate. PEF will respond to this interrogatory using the actual information through December 31, 2008, which will provide a more meaningful comparison.

**Request 99:** PEF objects to Staff's interrogatory number 99 because that request would require PEF or PEF's third-party consultant to perform calculations or studies on Staff's behalf that have not been performed by or for PEF's behalf, presumably at PEF's expense, and that cannot be reasonably performed, given that the existing information is generated internally within the depreciation model. Furthermore, the requested calculations or studies would provide no meaningful results and therefore be of no additional value in furthering an understanding of the issues involved in these proceedings; accordingly, the request is not relevant nor is it reasonably calculated to lead to admissible evidence in this proceeding.

**Request 100:** PEF objects to Staff's interrogatory number 100 because that request would require PEF or PEF's third-party consultant to perform calculations or studies on Staff's behalf that have not been performed by or for PEF's behalf, presumably at PEF's expense, and that cannot be reasonably performed, given that the existing information is generated internally within the depreciation model. Furthermore, the requested calculations or studies would provide no meaningful results and therefore be of no additional value in furthering an understanding of the issues involved in these proceedings; accordingly, the request is not relevant nor is it reasonably calculated to lead to admissible evidence in this proceeding.

Respectfully submitted,



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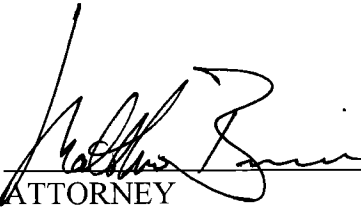
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via electronic and U.S. Mail to the following counsel of record as indicated below on this 2<sup>nd</sup> day of June, 2009.

  
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