

**Diamond Williams**

100009 - EJ

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**Subject:** Filing Docket 100009  
**Attachments:** Docket 100009 PEF Objections to PCS Phosp - White Springs First Interrogatories.pdf



Docket 100009  
EF Objections t.

<<Docket 100009 PEF Objections to PCS Phosp - White Springs First Interrogatories.pdf>>

Docket 100009 In re: Nuclear Cost Recovery Clause

Attached for filing on behalf of Progress Energy Florida is Progress Energy Florida's Objections to PCS Phosphate - White Springs' First Set of Interrogatories (Nos. 1-2)[5 pages].

This document is being filed by

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FPSC-COMMISSIONER OFFICE

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery  
Clause

Docket No. 100009-E1  
Submitted for filing: July 1, 2010

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**PROGRESS ENERGY FLORIDA'S OBJECTIONS TO PCS PHOSPHATE – WHITE  
SPRINGS' FIRST SET OF INTERROGATORIES (NOS. 1-2)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rules 1.340 and 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 Whites Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs' ("PCS Phosphate – White Springs") First Set of Interrogatories (Nos. 1-2), and states as follows:

**GENERAL OBJECTIONS**

If any interrogatory is to be answered through production of documents pursuant to Florida Rule of Civil Procedure 1.340(c), PEF will make any and 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 PCS Phosphate – White Springs for purposes of inspection, copying, or handling of the responsive documents.

With respect to any "Definitions" and/or "Instructions" in PCS Phosphate – White Springs'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 PCS Phosphate – White Springs’s definitions or instructions that are inconsistent with those rules. Furthermore, PEF objects to any definition or request 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 the interrogatories will be made on behalf of persons or entities other than PEF. Additionally, PEF objects to any request that calls for PEF to create documents that it otherwise does not have because there is no such requirement under the applicable rules and law.

Additionally, PEF generally objects to PCS Phosphate – White Springs’s Interrogatories to the extent that they call for information or documents 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 will provide a privilege log in accordance with the applicable law or as may be agreed to by the parties to the extent, if at all, that any interrogatory calls for the production of privileged or protected information or documents.

Further, in certain circumstances, PEF may determine upon investigation and analysis that documents responsive to certain requests to which objections are not otherwise asserted are confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to provide such information in response to such a request, PEF is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement, protective order, or the procedures otherwise provided by law or in the Order Establishing Procedure, Order No. PSC-10-0115-PCO-EI, issued February 25, 2010 (the “Order”). PEF hereby asserts its right to require such


protection of any and all information that may qualify for protection under the Florida Rules of Civil Procedure, the Order, and all other applicable statutes, rules and legal principles.

Additionally, to the extent PEF responds to any interrogatory by producing documents in lieu of a narrative response, PEF reserves the right to supplement any of its responses to PCS Phosphate – White Springs’s Interrogatories if PEF cannot produce documents immediately due to their magnitude and the work required to aggregate them, or if PEF later discovers additional responsive documents 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 PCS Phosphate – White Springs’s discovery at the time PEF’s response is due under the Florida Rules of Civil Procedure and the Order. PEF provides these general objections at this time to comply with the intent of the Order to reduce the delay in identifying and resolving any potential discovery disputes.

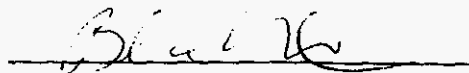
Respectfully submitted this 1<sup>st</sup> day of July, 2010.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 1<sup>st</sup> day of July, 2010.

  
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