

Diamond Williams

100160-ET

From: Clark, Eileen [Eileen.Clark@pgnmail.com]
Sent: Monday, December 20, 2010 9:29 AM
To: Filings@psc.state.fl.us
Cc: Katherine Fleming; Erik Saylor; 'vkaufman@kagmlaw.com'; 'jmoyle@kagmlaw.com'; 'suzannebrownless@comcast.net'; 'jmcwhirter@mac-law.com'; 'George@cavros-law.com'; 'jbrew@bbrslaw.com'; 'ataylor@bbrslaw.com'; 'rdc_law@swbell.net'
Subject: Docket 100160-EG
Attachments: PEF's Objections to FIPUG's 2nd Set of Rogs (Nos. 9-15).pdf; PEF's Objections to FIPUG's 2nd PODs (Nos. 11-17).pdf

This electronic filing is made by:

Dianne Triplett
Associate General Counsel
Progress Energy Florida, Inc.
P. O. Box 14042
St. Petersburg, FL 33733
727-820-4692
Dianne.Triplett@pgnmail.com

Docket #100160-EG

In re: Energy conservation cost recovery clause
On behalf of Progress Energy, Florida

The attached documents for filing:

1. PEF's Objections to the Florida Industrial Power User's Group's 2nd Set of Interrogatories (Nos. 9-15) (consisting of 3 pages)
2. PEF's Objections to the Florida Industrial Power User's Group's 2nd Request for Production of Documents (Nos. 11-17) (consisting of 5 pages)

12/20/2010

DOCUMENT NUMBER DATE
10035 DEC 20 09
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of
Proposed Demand-side Management Plan
of Progress Energy Florida, Inc.

DOCKET NO.: 100160-EI

SERVED: December 20, 2010

**PEF'S OBJECTIONS TO THE FLORIDA INDUSTRIAL POWER
USERS GROUP'S 2ND SET OF INTERROGATORIES
(Nos. 9-15)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Florida Rules of Civil Procedure, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to The Florida Industrial Power Users Group's ("FIPUG") Second Set of Interrogatories (Nos. 9-15) and states as follows:

GENERAL OBJECTIONS

With respect to the "Definitions" in FIPUG's Second 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 FIPUG'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 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.

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

Additionally, PEF generally objects to FIPUG's 2nd Set of 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 FIPUG's 2nd Set of 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 FIPUG's discovery at the time PEF's response is due.



DIANNE M. TRIPLETT
Associate General Counsel II
PROGRESS ENERGY SERVICE COMPANY, LLC
299 First Avenue North
St. Petersburg, FL 33701
Telephone: (727) 820-5184
Facsimile: (727) 820-5519

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic and U.S. Mail this 20th day of December, 2010 to all parties of record as indicated below.


DIANNE M. TRIPLETT

Katherine Fleming
Erik Sayler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
keflemin@psc.state.fl.us
esayler@psc.state.fl.us

Vicki Gordon Kaufman
Jon C. Moyle, Jr.
Keefe Anchors Gordon & Moyle, P.A.
118 North Gadsden Street
Tallahassee, FL 32301
vkaufman@kagmlaw.com
jmoyle@kagmlaw.com

Suzanne Brownless
Suzanne Brownless, PA
1975 Buford Blvd.
Tallahassee, FL 32308
Phone: 850-877-5200
FAX: 878-0090
suzannebrownless@comcast.net

PCS Phosphate - White Springs
Post Office Box 300
White Springs, FL 32096

Florida Industrial Power Users Group
c/o John McWhirter, Jr.
McWhirter Reeves & Davidson, P.A.
P.O. Box 3350
Tampa, FL 33601-3350
jmcwhirter@mac-law.com

George Cavros, Esq.
120 E. Oakland Park Blvd., Ste. 105
Fort Lauderdale, FL 33334
George@cavros-law.com

James W. Brew
F. Alvin Taylor
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson St., NW
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@bbrslaw.com
ataylor@bbrslaw.com

Rick D. Chamberlain
6 N.E. 63rd Street, Suite 400
Oklahoma City, OK 73105
Phone: 405-848-1014
FAX: 405-848-3155
Rdc_law@swbell.net

Wal-Mart Stores East, LP / Sam's East, Inc.
Sam M. Walton Development Complex
2001 SE 10th Street
Bentonville, AR 72716-0550