

Diamond Williams

From: Clark, Eileen [Eileen.Clark@pgnmail.com]
Sent: Thursday, April 28, 2011 4:04 PM
To: Filings@psc.state.fl.us
Cc: Keino Young; Lisa Bennett; 'jbrew@bbrslaw.com'; 'ataylor@bbrslaw.com'; 'vkaufman@kagmlaw.com'; 'jmoyle@kagmlaw.com'; 'kelly.jr@leg.state.fl.us'; Charles Rehwinkel; 'sayler.eric@leg.state.fl.us'
Subject: Docket No: 100437-EI
Attachments: PEF's Objections to OPC's 2nd Set of Rogs (Nos. 3-5).pdf; PEF's Objections to OPC's 2nd POD (Nos. 17-18).pdf

This electronic filing is made by:

John Burnett
P. O. Box 14042
St. Petersburg, FL 33733
727-820-5184
John.Burnett@pgnmail.com

Docket No.: 100437-EI

In Re: Examination of the outage and
Replacement fuel/power costs
Associated with the CR3 steam
Generator replacement project,
By Progress Energy Florida, Inc.

On behalf of Progress Energy Florida, Inc.

The attached documents for filing:

1. PEF's Objections to OPC's Second Set of Interrogatories (Nos. 3-5) - (consisting of 3 pages)
2. PEF's Objections to OPC's Second Set of Requests for Production of Documents (Nos. 17-18) - (consisting of 4 pages)

4/28/2011

DOCUMENT NUMBER-DATE

02924 APR 28 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.

Docket No. 100437-EI

Filed: April 28, 2011

**PEF'S OBJECTIONS TO OPC'S
SECOND SET OF INTERROGATORIES (Nos. 3-5)**

Pursuant to Fla. Admin. Code R. 28-106.206, and Rule 1.340 of the Florida Rules of Civil Procedure, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to OPC's Second Set of Interrogatories (Nos. 3-5) and states as follows:

GENERAL OBJECTIONS

With respect to the "Definitions" and "Instructions" in OPC'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 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 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 OPC that has not been done for


PEF, presumably at PEF's cost.

Additionally, PEF generally objects to OPC's Second 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.

PEF also objects to any attempt by OPC to evade the numerical limitations set on interrogatories in the Order Establishing Procedure by asking multiple independent questions within single individual questions and subparts.

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

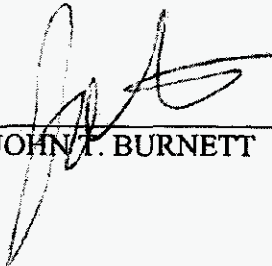
By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to OPC's discovery at the time PEF's response is due.



R. ALEXANDER GLENN
General Counsel - Florida
JOHN T. BURNETT
Associate General Counsel - Florida
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 28th day of April, 2011 to all parties of record as indicated below.



JOHN T. BURNETT

<p>Keino Young/Lisa Bennett Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 kyoung@psc.state.fl.us lbennett@psc.state.fl.us</p> <p>Mr. James W. Brew/F. Alvin Taylor c/o Brickfield Law Firm 1025 Thomas Jefferson St., NW 8th Floor, West Tower Washington, DC 20007 jbrew@bbrslaw.com al.taylor@bbrslaw.com</p>	<p>Florida Industrial Power Users Group Vicki Gordon Kaufman John C. Moyle, Jr. Keefe Anchors Gordon & Moyle, PA 118 North Gadsden Street Tallahassee, FL 32301 vkaufman@kagmlaw.com jmoyle@kagmlaw.com</p> <p>J.R.Kelly/Charles Rehwinkel/Eric Sayler Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, #812 Tallahassee, FL 32399 Kelly.jr@leg.state.fl.us Rehwinkel.charles@leg.state.fl.us Sayler.eric@leg.state.fl.us</p>
--	--