

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination ) DOCKET NO. 140110-EI  
of Need for Citrus County Combined )  
Cycle Power Plant ) SERVED: July 11, 2014  
\_\_\_\_\_)

**CALPINE CONSTRUCTION FINANCE COMPANY, L.P.'S  
OBJECTIONS TO DUKE ENERGY FLORIDA, INC.'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO  
CALPINE CONSTRUCTION FINANCE COMPANY, L.P. (NOS. 1-5)**

Pursuant to Rule 28-106.206, Florida Administrative Code, Rule 1.340, Florida Rules of Civil Procedure ("F.R.C.P."), and the Order Establishing Procedure (as amended) in this docket, Calpine Construction Finance Company, L.P. ("Calpine") hereby files its objections to Duke Energy Florida, Inc.'s ("DEF") First Request for Production of Documents (Nos. 1-5), which were propounded on Calpine after 5:00 p.m. on July 2, 2014.

**GENERAL OBJECTIONS**

Calpine generally objects to DEF's First Request for Production of Documents on the grounds set forth in paragraphs A-H below. Each of Calpine's responses, will be subject to and qualified by these general objections.

A. Calpine objects to any request that asks 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, whether such privilege or protection appears at the time response is first made to these interrogatories or

is later determined to be applicable for any reason. Calpine in no way intends to waive any such privilege or protection. Calpine will provide a privilege log consistent with Florida law within a reasonable time or as may be agreed to by the parties to the extent that a request calls for the production of privileged or protected documents or information.

B. Calpine objects to any request that asks Calpine to divulge confidential proprietary business information and/or the compilation of information that is considered confidential proprietary business information. Calpine in no way intends to waive any applicable claim of confidentiality and will produce such information only under the terms of an appropriate confidentiality agreement.

C. Calpine objects to any definitions or instructions accompanying the requests to produce to the extent that they are inconsistent with and expand the scope of discovery specified in the Florida Rules of Civil Procedure that are incorporated into the Model Rules of Procedure or the Commission's rules on discovery. If some question arises as to Calpine's discovery obligations, Calpine will comply with applicable rules and not with any of the definitions or instructions accompanying the discovery requests that are inconsistent with or exceed the requirements of those rules. Furthermore, Calpine objects to any request that calls for

Calpine to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

D. Calpine objects to the requests to produce to the extent that they ask Calpine to identify "all" documents or information of any nature. It is possible that not every relevant document may have been reviewed or considered in developing Calpine's responses to the discovery requests. Rather, Calpine will provide all the information that Calpine obtained after a good faith, reasonable and diligent search conducted in connection with these interrogatories. To the extent that the requests propose to require more, Calpine objects to the requests individually and collectively on the grounds that compliance would impose an undue burden or expense on Calpine.

E. Calpine objects to each request to produce to the extent that it seeks information that is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

F. Calpine objects to each request to produce to the extent it is vague, ambiguous, overly broad, burdensome, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such interrogatories.

G. Calpine expressly reserves and does not waive any objections it may have to the admissibility, authenticity or relevancy of the information provided in its responses to these interrogatories.

H. Calpine objects to providing information already in the public record, that is as easily accessible to DEF, or that is already in DEF's possession.

**SPECIFIC OBJECTIONS TO SPECIFIC DISCOVERY REQUESTS**

2. The work papers, spreadsheets, documents, electronic files, or other materials referred to and/or relied upon by the witness in the course of preparing his/her testimony in this proceeding, or that the witness will rely on in the course of preparing his/her testimony in this proceeding.

**SPECIFIC OBJECTIONS**

Calpine objects to this discovery request to the extent that it seeks information from testifying expert witnesses that is beyond the scope of discovery permitted by Rule 1.280(b)(5), Florida Rules of Civil Procedure. Calpine's response will comply with the applicable rules.

3. Workpapers, documents, spreadsheets, data, on disk if available, used by the witness in the development of exhibits

to his/her testimony, or that the witness will rely on in the course of preparing exhibits to his/her testimony in this proceeding.

**SPECIFIC OBJECTIONS**

Calpine objects to this discovery request to the extent that it seeks information from testifying expert witnesses that is beyond the scope of discovery permitted by Rule 1.280(b)(5), Florida Rules of Civil Procedure. Calpine's response will comply with the applicable rules.

4. Source documents (including inputs and outputs as applicable) used to create the exhibits to the witness' testimony, or that the witness will rely on in the course of preparing the exhibits to his/her testimony in this proceeding.

**SPECIFIC OBJECTIONS**

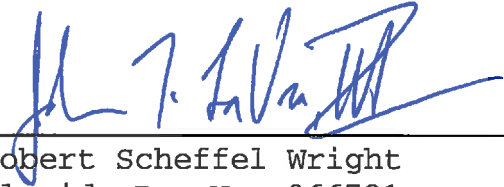
Calpine objects to this discovery request to the extent that it seeks information from testifying expert witnesses that is beyond the scope of discovery permitted by Rule 1.280(b)(5), Florida Rules of Civil Procedure. Calpine's response will comply with the applicable rules.

5. Documents identified in response to DEF's First Set of Interrogatories to Calpine.

**SPECIFIC OBJECTIONS**

Calpine objects to this discovery request to the extent that it seeks information from testifying expert witnesses that is beyond the scope of discovery permitted by Rule 1.280(b)(5), Florida Rules of Civil Procedure. Calpine's response will comply with the applicable rules.

Respectfully submitted this 11th day of July, 2014.



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Robert Scheffel Wright  
Florida Bar No. 966721  
schef@gbwlegal.com  
John T. LaVia, III  
Florida Bar No. 853666  
jlavia@gbwlegal.com  
Gardner, Bist, Wiener, Wadsworth,  
Bowden, Bush, Dee, LaVia &  
Wright, P.A.  
1300 Thomaswood Drive  
Tallahassee, Florida 32308  
(850) 385-0070 Telephone  
(850) 385-5416 Facsimile

Attorneys for Calpine  
Construction Finance Company,  
L.P.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following, by electronic delivery, on this 11th day of July, 2014.

Curt Kiser  
Michael Lawson  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

John T. Burnett  
Dianne M. Triplett  
Duke Energy Florida, Inc.  
P.O. Box 14042  
St. Petersburg, Florida  
33733-4042

James Michael Walls  
Blaise N. Gamba  
Carlton Fields Jordan Burt  
P.O. Box 3239  
Tampa, Florida 33601-3239

Matthew R. Bernier  
Paul Lewis, Jr.  
Duke Energy Florida, Inc.  
106 East College Avenue, Suite  
800  
Tallahassee, Florida 32301

J.R. Kelly  
Charles Rehwinkel  
Erik L. Sayler  
Office of the Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400

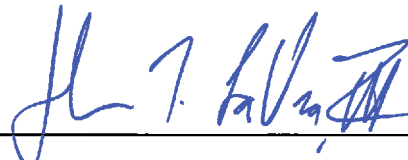
Jon Moyle, Jr.  
Karen Putnal  
Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, Florida 32301

James W. Brew  
Brickfield, Burchette, Ritts  
& Stone, P.C.  
1025 Thomas Jefferson Street, NW,  
Eighth Floor, West Tower  
Washington, DC 20007-5201

Marsha E. Rule  
Rutledge Ecenia, P.A.  
119 South Monroe Street  
Suite 202  
Tallahassee, Florida 32301

Richard A. Zambo  
Richard A. Zambo, P.A.  
2336 S.E. Ocean Boulevard, #309  
Stuart, Florida 34966

Gordon D. Polozola  
South Central Region  
NRG Energy, Inc.  
112 Telly Street  
New Roads, Louisiana 70760

  
\_\_\_\_\_  
Attorney