

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by  
Progress Energy Florida, Inc.

Docket No. 050078-EI  
Submitted for filing:  
August 8, 2005

### PEF'S OBJECTIONS TO STAFF'S ELEVENTH SET OF INTERROGATORIES (NOS. 274-349)

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 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 Staff of the Florida Public Service Commission ("Staff") Eleventh Set of Interrogatories to PEF, Nos. 274-349, and states as follows:

#### GENERAL OBJECTIONS

With respect to the "Definitions" in Staff's Eleventh Set of Interrogatories, Nos. 274-349, 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.

CMP \_\_\_\_\_ PEF objects to any definition or interrogatory that seeks to encompass persons or  
COM \_\_\_\_\_  
CTR \_\_\_\_\_ entities other than PEF who are not parties to this action and thus are not subject to  
ECR \_\_\_\_\_ discovery. No responses to the interrogatories will be made on behalf of persons or entities  
GCL \_\_\_\_\_ other than PEF.

GFC \_\_\_\_\_  
RCA \_\_\_\_\_ PEF must also object to Staff's Eleventh Set of Interrogatories to PEF to the  
SCR \_\_\_\_\_ extent that they require PEF or PEF's retained experts to develop information or create

SGA \_\_\_\_\_  
SEC 1 \_\_\_\_\_  
OTH \_\_\_\_\_

TPA#2072237.1

material for Staff, presumably at PEF's expense. The purpose of discovery, of course, is to obtain information that already exists, not to require the other side to create information or material for the requesting party. PEF, therefore, is not obligated to incur the expense of performing or having its experts perform work for Staff to create information or material that Staff seeks in these interrogatories.

Additionally, PEF generally objects to Staff's 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. Further, in certain circumstances, PEF may determine upon investigation and analysis that information responsive to certain interrogatories 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 an interrogatory, 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. 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 Establishing Procedure, and all other applicable statutes, rules and legal principles.

PEF also objects to any interrogatory that calls for projected data or information beyond the year 2006 or prior to 2004 because such data or information is irrelevant to this case and has no bearing on this proceeding, nor is such data or information likely to lead to the discovery of admissible evidence. Furthermore, if an interrogatory does not

specify a timeframe for which data or information is sought, PEF will interpret such interrogatory as calling only for data and information relevant to the years 2004-2006.

Finally, PEF objects to any attempt by Staff to exceed the numerical limitations set on interrogatories in the Order Establishing Procedure by asking multiple independent questions within single individual questions and subparts.

By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to Staff's discovery at the time PEF's response is due under the Florida Rules of Civil Procedure and the Order Establishing Procedure. PEF provides these general objections at this time to comply with the intent of the Order Establishing Procedure to reduce the delay in identifying and resolving any potential discovery disputes.

### **SPECIFIC OBJECTIONS**

**Interrogatory 293:** PEF must object to this interrogatory because the reference to the "2000 study" is vague and ambiguous. PEF assumes Staff is referring to the current fossil plant dismantlement cost study, and thus will respond accordingly.

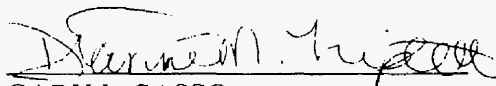
**Interrogatory 300:** PEF objects to Staff's request for such information for the years 2000 and 2001. These periods pre-date PEF's full merger integration and application of joint company procedures in 2002 and any information for those periods cannot fairly be compared to similar data from 2002 going forward because of this fact, and because of different financial reporting systems for this data that existed in the pre-merger company. Accordingly, PEF will produce any such information for the years 2002-2006.

**Interrogatory 301:** PEF objects to Staff's request for such information for the years 2000 and 2001. These periods pre-date PEF's full merger integration and application of joint company procedures in 2002 and any information for those periods cannot fairly be compared to similar data from 2002 going forward because of this fact, and because of different financial reporting systems for this data that existed in the pre-merger company. Accordingly, PEF will produce any such information for the years 2002-2006.

**Interrogatory 302:** PEF objects to Staff's request for such information for the years 2000 and 2001. These periods pre-date PEF's full merger integration and application of joint company procedures in 2002 and any information for those periods cannot fairly be compared to similar data from 2002 going forward because of this fact, and because of different financial reporting systems for this data that existed in the pre-merger company. Accordingly, PEF will produce any such information for the years 2002-2006.


Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this 1<sup>st</sup> day of August, 2005 to all counsel of record as indicated below.

  
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