

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 090079-EI  
Submitted for filing: April 16, 2009

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**PEF'S OBJECTIONS TO STAFF'S FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS (NOS. 1-6)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 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 the Florida Public Service Commission's Staff's ("Staff") First Request for Production of Documents (Nos.1-6) and states as follows:

**GENERAL OBJECTIONS**

PEF will make 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 Staff for purposes of inspection, copying, or handling of the responsive documents.

With respect to any "Definitions" and "Instructions" in Staff's Requests for Production, 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.

## **SPECIFIC OBJECTIONS**

**Request 3:** PEF objects to Staff's request number 3 because that request calls for PEF to produce "an Excel-compatible file for each Composite Remaining Life Calculation contained in Exhibit EMR-2." The depreciation model software used to produce these calculations is the proprietary property of PEF's third party consultant that only generates reports in certain specific formatted versions. To reproduce the requested calculations in an excel-compatible format would require millions of separate calculations and thousands of man-hours. Responding to this request would be unduly burdensome and expensive, and would be of little benefit to Staff because the information requested has already been produced in Exhibit EMR-2, simply not in Staff's preferred format. PEF will respond to this request by producing the underlying data, in the format in which it exists, which will allow Staff to perform the calculations and generate the results in its desired format.

**Request 4:** PEF objects to Staff's request number 4 because that request calls for PEF to produce "an Excel-compatible file for each Calculated Depreciation Reserve Schedule contained in Exhibit EMR-2." The depreciation model software used to produce these calculations is the proprietary property of PEF's third party consultant that only generates reports in certain specific formatted versions. To reproduce the requested calculations in an excel-compatible format would require millions of separate calculations and thousands of man-hours. Responding to this request would be unduly burdensome and expensive, and would be of little benefit to Staff because the information requested has already been produced in Exhibit EMR-2, simply not in Staff's preferred format. PEF will respond to this request by producing the underlying data, in the format in which it exists, which will allow Staff to perform the calculations and generate the results in its desired format.

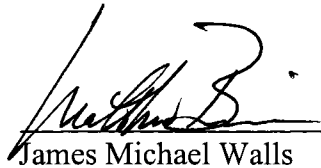
**Request 5:** PEF objects to Staff's request number 5 because that request calls for PEF to produce "an Excel-compatible file for each Salvage Analysis contained in Exhibit EMR-2." The depreciation model software used to produce these calculations is the proprietary property of PEF's third party consultant that only generates reports in certain specific formatted versions. To reproduce the requested calculations in an excel-compatible format would require millions of separate calculations and thousands of man-hours. Responding to this request would be unduly burdensome and expensive, and would be of little benefit to Staff because the information requested has already been produced in Exhibit EMR-2, simply not in Staff's preferred format. PEF will respond to this request by producing the underlying data, in the format in which it exists, which will allow Staff to perform the calculations and generate the results in its desired format.

**Request 6:** PEF objects to Staff's request number 6 because that request calls for PEF to produce "an Excel-compatible file for each Future (pro forma) Composite Remaining Life Calculation contained in Exhibit EMR-2." The depreciation model software used to produce these calculations is the proprietary property of PEF's third party consultant that only generates reports in certain specific formatted versions. To reproduce the requested calculations in an excel-compatible format would require millions of separate calculations and thousands of man-hours. Responding to this request would be unduly burdensome and expensive, and would be of little benefit to Staff because the information requested has already been produced in Exhibit EMR-2, simply not in Staff's preferred format. PEF will respond to this request by producing the underlying data, in the format in which it exists, which will allow Staff to perform the calculations and generate the results in its desired format.

Respectfully submitted this 16<sup>th</sup> day of April, 2009.

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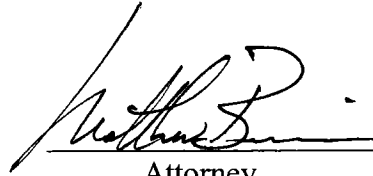
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via electronic and U.S. Mail to the following counsel of record as indicated below on this 16<sup>th</sup> day of April, 2009.

  
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