

Ruth Nettles

From: O'Neal, Barbara [boneal@carltonfields.com]
Sent: Tuesday, June 02, 2009 4:09 PM
To: Filings@psc.state.fl.us
Cc: alex.glenn@pgnmail.com; audrey.VanDyke@navy.mil; Bernier, Matthew R.; Bill.mccollum@myfloridalegal.com; Caroline Klancke; cecilia.bradley@myfloridalegal.com; Charles Rehwinkel; Costello, Jeanne; ataylor@bbrslaw.com; jbrew@bbrslaw.com; John.Burnett@pgnmail.com; jlaviala@yvlaw.net; JMoyle@kagmlaw.com; Katherine Fleming; Keino Young; Khojasteh.Davoodi@navy.mil; paul.lewisjr@pgnmail.com; Rick@rmelsonlaw.com; swright@yvlaw.net; Triplett, Dianne; VKaufman@kagmlaw.com; Walls, J. Michael
Subject: Electronic Filing Docket No. 090079-EI
Attachments: PEF Object to Staffs 5th Interrogatories.pdf

Matthew R. Bernier, Carlton Fields, P.A., 215 South Monroe Street, Ste. 500, Tallahassee, FL 32301, mbernier@carltonfields.com is the person responsible for this electronic filing;

The filing is to be made in Docket 090079-EI, In re: Petition for rate increase in rates by Progress Energy Florida, Inc.;

The total number of pages 5;

The attached document is Progress Energy Florida, Inc.'s Objections to Staff's Fifth Set of Interrogatories (Nos. 72-101).

Thanks.

CARLTON FIELDS
ATTORNEYS AT LAW

Barbara O'Neal

Legal Administrative Assistant

215 S. Monroe Street, Suite 500
Tallahassee, Florida 32301-1866

direct 850.425.3388
fax 850.222.0398
boneal@carltonfields.com
www.carltonfields.com

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE:
PETITION FOR INCREASE IN RATES
BY PROGRESS ENERGY FLORIDA, INC.

Docket No. 090079-EI
Submitted for filing: June 2, 2009

**PEF'S OBJECTIONS TO STAFF'S FIFTH
SET OF INTERROGATORIES (NOS. 72-101)**

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 Staff's ("Staff") Fifth Set of Interrogatories (Nos. 72-101) 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 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 Staff's definitions or instructions that are inconsistent with those rules.

SPECIFIC OBJECTIONS

Request 78: PEF objects to Staff's interrogatory number 78 because that request calls for PEF to provide Staff with publicly available CPI information and for PEF or its third-party consultant to perform calculations or studies on Staff's behalf that have not been performed by or for PEF's behalf, presumably at PEF's expense. PEF will provide information regarding the performance of the trust in question, and once Staff obtains the publicly available CPI information, Staff will be able to make the comparison calculations or studies that Staff is requesting.

Request 85: PEF objects to Staff's interrogatory number 85 because it requests PEF to estimate trustee fees for the period ending December 31, 2009 that simply cannot be estimated with any degree of certainty. The fees depend on the average balance of the fund, which cannot be accurately estimated because of the number of variables that could affect such an estimate. PEF will respond to this interrogatory using the actual information through December 31, 2008, which will provide a more meaningful comparison.

Request 86: PEF objects to Staff's interrogatory number 86 because it requests PEF to estimate investor management fees for the period ending December 31, 2009 that simply cannot be estimated with any degree of certainty. The fees depend on the average balance of the fund, which cannot be accurately estimated because of the number of variables that could affect such an estimate. PEF will respond to this interrogatory using the actual information through December 31, 2008, which will provide a more meaningful comparison.

Request 87: PEF objects to Staff's interrogatory number 87 because it requests PEF to estimate total administrative costs for the period ending December 31, 2009 that simply cannot be estimated with any degree of certainty. The costs depend on the average balance of the fund,

which cannot be accurately estimated because of the number of variables that could affect such an estimate. PEF will respond to this interrogatory using the actual information through December 31, 2008, which will provide a more meaningful comparison.

Request 99: PEF objects to Staff's interrogatory number 99 because that request would require PEF or PEF's third-party consultant to perform calculations or studies on Staff's behalf that have not been performed by or for PEF's behalf, presumably at PEF's expense, and that cannot be reasonably performed, given that the existing information is generated internally within the depreciation model. Furthermore, the requested calculations or studies would provide no meaningful results and therefore be of no additional value in furthering an understanding of the issues involved in these proceedings; accordingly, the request is not relevant nor is it reasonably calculated to lead to admissible evidence in this proceeding.

Request 100: PEF objects to Staff's interrogatory number 100 because that request would require PEF or PEF's third-party consultant to perform calculations or studies on Staff's behalf that have not been performed by or for PEF's behalf, presumably at PEF's expense, and that cannot be reasonably performed, given that the existing information is generated internally within the depreciation model. Furthermore, the requested calculations or studies would provide no meaningful results and therefore be of no additional value in furthering an understanding of the issues involved in these proceedings; accordingly, the request is not relevant nor is it reasonably calculated to lead to admissible evidence in this proceeding.

Respectfully submitted,



JAMES MICHAEL WALLS

mwalls@carltonfields.com

Florida Bar No. 0706242

DIANNE M. TRIPLETT

dtriplett@carltonfields.com

Florida Bar No. 0872431

MATTHEW BERNIER

mbernier@carltonfields.com

Florida Bar No. 0059886

Carlton Fields

4221 W. Boy Scout Boulevard

P.O. Box 3239

Tampa, Florida 33607-5736

(813) 223-7000 / (813) 229-4133 (fax)

R. ALEXANDER GLENN

alex_glenn@pgnmail.com

JOHN T. BURNETT

john.burnett@pgnmail.com

Progress Energy Service Company, LLC

299 First Avenue North

P.O. Box 14042 (33733)

St. Petersburg, Florida 33701

(727) 820-5184

(727) 820-5249(fax)

PAUL LEWIS, JR.

Paul.lewisjr@pgnmail.com

Progress Energy Service Company, LLC

106 East College Avenue, Suite 800

Tallahassee, Florida 32301

(850) 222-8738 / (850) 222-9768 (fax)

RICHARD MELSON

rick@rmelsonlaw.com

Florida Bar No. 0201243

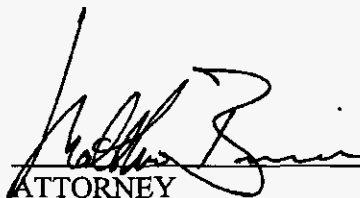
705 Piedmont Drive

Tallahassee, FL 32312

(850) 894-1351

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 2nd day of June, 2009.



ATTORNEY

KATHERINE FLEMING
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399

J.R. KELLY/CHARLES REHWINKLE
Office of the Public Counsel
c/o The Florida Legislature
111 W. Madison Street – Room 812
Tallahassee, FL 32399-1400

BILL MCCOLLUM/CECILIA BRADLEY
Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050

VICKI G. KAUFMAN/JON C. MOYLE, JR.
Keefe Law Firm, The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

JAMES W. BREW/ALVIN TAYLOR
Brickfield Law Firm
1025 Thomas Jefferson Street, NW, 8th Fl
Washington, D.C. 20007

R. SCHEFFEL WRIGHT / JOHN T. LAVIA
Young Law Firm
225 South Adams Street, Ste. 200
Tallahassee, FL 32301

KAY DAVOODI
Director, Utility Rates and Studies Office
Naval Facilities Engineering Command
1322 Patterson Avenue SE
Washington Navy Yard, DC 20374-5065

AUDREY VAN DYKE
Litigation Headquarters
Naval Facilities Engineering Command
720 Kennon Street, S.E. Bldg 36, Room 136
Washington Navy Yard, DC 20374-5065