

**Diamond Williams**

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**Sent:** Friday, April 15, 2011 3:10 PM  
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**Subject:** Docket 110009 Filing  
**Attachments:** Docket 110009 PEF Objections to OPC 1st Interrogatories.pdf; Docket 110009 PEF Objections to OPC 1st Request for Production.pdf

Docket 110009 Electronic Filing  
In re: Nuclear Cost Recovery Clause

a. Person responsible for this electronic filing:

Blaise N. Huhta  
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b. Documents are being filed on behalf of Progress Energy Florida, Inc.:

1. Progress Energy Florida's Objections to Citizens' First Set of Interrogatories (Nos. 1-3) [5 pages]; and
2. Progress Energy Florida's Objections to Citizens' First Request for Production of Documents (Nos. 1-7) [5 pages].

Thank you for your attention and cooperation to this request.

Jeanne Costello on behalf of Blaise N. Huhta  
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DOCUMENT NUMBER- DATE

02569 APR 15 =

4/15/2011

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery  
Clause

Docket No. 110009-EI  
Submitted for filing: April 15, 2011

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**PROGRESS ENERGY FLORIDA'S OBJECTIONS TO CITIZENS' FIRST SET OF  
INTERROGATORIES (NOS. 1-3)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rules 1.340 and 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 Office of Public Counsel's ("Citizens" or "OPC") First Set of Interrogatories (Nos.1-3) and states as follows:

**GENERAL OBJECTIONS**

If any interrogatory is to be answered through production of documents pursuant to Florida Rule of Civil Procedure 1.340(c), PEF will make any and 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 OPC for purposes of inspection, copying, or handling of the responsive documents.

With respect to any "Definitions" and/or "Instructions" in OPC'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 OPC's definitions or instructions that are inconsistent with those rules. Furthermore, PEF objects to any definition or request that seeks

to encompass persons or entities other than PEF who are not parties to this action and thus are not subject to discovery. No responses to the interrogatories will be made on behalf of persons or entities other than PEF.

Additionally, PEF generally objects to OPC's Interrogatories to the extent that they call for information or documents 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 will provide a privilege log in accordance with the applicable law or as may be agreed to by the parties to the extent, if at all, that any interrogatory calls for the production of privileged or protected information or documents.

Further, in certain circumstances, PEF may determine upon investigation and analysis that documents responsive to certain requests 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 a request, 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, Order No. PSC-11-0179-PCO-EI, issued March 29, 2011 (the "Order"). 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, and all other applicable statutes, rules and legal principles.

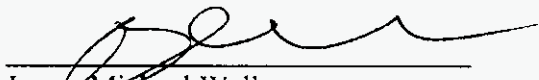
Additionally, to the extent PEF responds to any interrogatory by producing documents in lieu of a narrative response, PEF reserves the right to supplement any of its responses to OPC's Interrogatories if PEF cannot produce documents immediately due to their magnitude and the

work required to aggregate them, or if PEF later discovers additional responsive documents 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 under the Florida Rules of Civil Procedure and the Order. PEF provides these general objections at this time to comply with the intent of the Order to reduce the delay in identifying and resolving any potential discovery disputes.

Respectfully submitted this <sup>15<sup>th</sup></sup> day of April, 2011.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 15<sup>th</sup> day of April, 2011.

  
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