

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery Clause.

Docket No. 140009-EI

Submitted for Filing: May 19, 2014

**DUKE ENERGY FLORIDA, INC.'S OBJECTIONS TO
CITIZENS' FIRST SET OF INTERROGATORIES (NOS. 1-33)**

Pursuant to Florida Administrative Code Rule 28-106.206, Rules 1.340 and 1.280 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure, Order No. PSC-14-0082-PCO-EI, issued February 4, 2014 (the "Order") in this matter, Duke Energy Florida, Inc. ("DEF") serves its objections to the Office of Public Counsel's ("Citizens" or "OPC") First Set of Interrogatories (Nos. 1-33) and states as follows:

GENERAL OBJECTIONS

With respect to the "Definitions" and "Instructions" in OPC's First Set of Interrogatories:

DEF generally objects to the Interrogatories to the extent that they call for 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. DEF will provide a privilege log within a reasonable time or as may be agreed to by the parties to the extent that an interrogatory calls for the production of privileged or protected documents or information.

Further, in certain circumstances, DEF may determine upon investigation and analysis that documents 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 a request, DEF 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. DEF 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, and all other applicable statutes, rules, and legal principles.

DEF also generally objects to the Interrogatories to the extent that they call for the production of “all” documents or information of any nature, including, every copy of every document responsive to the requests. DEF will make a good faith, reasonably diligent attempt to identify and obtain responsive documents or information when no objection has been asserted, but it is not practicable or even possible to identify, obtain, and produce “all” information or documents. In addition, DEF reserves the right to supplement any of its responses to the Interrogatories if DEF cannot respond immediately due to their magnitude and the work required aggregating them, or if DEF later discovers additional responsive information or documents in the course of this proceeding.

DEF further objects to the Instructions and Definitions to the extent that they seek to impose requirements on the responses to the Interrogatories beyond the requirements of the Florida Rules of Civil Procedure. DEF will respond to all Interrogatories consistent with the requirements of the Florida Rules of Civil Procedure, and not some inconsistent and additional requirement under the Instructions and Definitions.

SPECIFIC OBJECTIONS

Interrogatory No. 4: DEF objects to this interrogatory because it requests information that is not relevant to the issues in this docket and, as such, is not reasonably calculated to lead to the discovery of admissible evidence in this docket. DEF further objects to this interrogatory as speculative and calling for a hindsight evaluation because OPC is asking DEF to provide a response based on a hypothetical set of facts that is contrary to past events/actions that have already occurred.

Subject to this objection, and without waiving same, DEF will provide an appropriate response to this interrogatory.

Interrogatory No. 11: DEF objects to this interrogatory because it requests information that is not relevant to the issues in this docket and, as such, is not reasonably calculated to lead to the discovery of admissible evidence in this docket. Pursuant to the 2013 Revised and Restated Stipulation and Settlement Agreement, approved in Docket No. 130208-EI, DEF agreed to “account for the remaining COLA, environmental permitting, wetlands mitigation, conditions of certification, and other costs related or in any way connected to, directly or indirectly, obtaining or maintaining the COL that DEF incurs in 2014 and beyond as construction work in progress removed from recovery in the NCRC.” Therefore, a request for “all COL-pursuit” costs from 2014 through 2017 is not relevant or reasonably calculated to lead to the discovery of admissible evidence in this docket. Moreover, DEF objects to this interrogatory to the extent it seeks to have DEF create or develop information that does not currently exist because the applicable rules do not require a party to create documents or information in response to an interrogatory.

Subject to this objection, and without waiving same, DEF will provide an appropriate response to this interrogatory.

Interrogatory No. 20: DEF objects to this interrogatory to the extent it calls for the re-production of documents or information that has been previously produced in the continuing NCRC dockets in 2010 and 2011 because such information is not reasonably calculated to lead to the discovery of admissible evidence in this docket.

Subject to this objection, and without waiving same, DEF will provide an appropriate response to this interrogatory.

Respectfully submitted this 19th day of May, 2014.

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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 mail this 19th day of May, 2014.

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