

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition for Determination )  
of Need of Hines Unit 4 Power Plant in )  
Polk County by Progress Energy Florida )  
Inc. )**

Docket No.: 040817-EI

Submitted for Filing: September 20, 2004

**PROGRESS ENERGY FLORIDA INC.'S GENERAL OBJECTIONS TO  
STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-18)  
AND STAFF'S FIRST SET OF INTERROGATORIES (NOS. 1-30)**

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 issued August 19, 2004, Progress Energy Florida, Inc. ("PEF") asserts its general objections to the Staff of the Florida Public Service Commission's ("Staff") First Request for Production (Nos. 1-18) and First Set of Interrogatories (Nos. 1-30) and states as follows:

**GENERAL OBJECTIONS**

PEF objects to Staff's First Request for Production of Documents to the extent that Staff requires PEF to respond to Staff's Request for Production earlier than PEF is required to respond to such discovery requests under the Florida Rules of Civil Procedure and the Order Establishing Procedure. Consistent with the Order Establishing Procedure, PEF will respond to Staff's First Request for Production of Documents within twenty (20) calendar days of receipt of the discovery request.

PEF further objects generally to Staff's Time and Place of Production requirement but will make all responsive documents available for inspection and copying at the offices of Carlton Fields, P.A., 215 S. Monroe Street, Suite 500, Tallahassee, Florida, 32301 at a mutually-convenient time or, upon request from Staff, will provide copies of responsive documents and

materials by U.S. Mail or overnight mail, 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.

PEF objects to Staff's First Set of Interrogatories (Nos. 1-30) to the extent that Staff purports to require PEF to have each interrogatory answer signed by the person providing the answer because there is no such requirement under Rule 1.340 of the Florida Rules of Civil Procedure or the Order Establishing Procedure. PEF will answer the interrogatories in accordance with the Florida Rules of Civil Procedure and the Order Establishing Procedure.

PEF generally objects to Staff's First Request for Production of Documents (Nos. 1-18) and Staff's First Set of Interrogatories (Nos. 1-30) to the extent that any discovery request calls for documents 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, whether such privilege or protection appears at the time the response is first made to the document requests and interrogatories or is later determined to be applicable based on the further discovery of documents, investigation, or analysis. PEF in no way intends to waive any such privilege or protection and so PEF generally objects at this time to the extent, if at all, any discovery request calls for such privileged or protected material or information. PEF will provide a privilege log in accordance with the applicable law to the extent, if at all, that any document request calls for the production of privileged or protected documents.

Further, in certain circumstances, PEF may determine upon investigation and analysis that information responsive to certain document requests or 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 document request or 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 documents 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.

By making these general objections at this time, PEF further does not waive or relinquish in any way its right to assert further general and specific objections to Staff's discovery requests at the time PEF's responses are due to the discovery requests 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.

Respectfully submitted,

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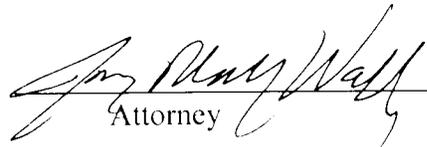
  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served electronically and U.S. Mail to William Cochran Keating, Office of the General Counsel, Florida Public Service Commission, 2540 Sumard Oak Boulevard, Tallahassee, FL 32399-0850 and via U.S. Mail to all other interested parties as listed on the attached this 20<sup>th</sup> day of September, 2004.

  
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Attorney

Parties of Record and Interested Persons in Docket 040817

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