

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of storm cost
recovery clause for recovery of extraordinary
expenditures related to Hurricanes Charley,
Frances, Jeanne, and Ivan, by Progress
Energy Florida, Inc.

Docket No: 041272-EI

**PROGRESS ENERGY FLORIDA, INC.'S AMENDED AND SUPPLEMENTAL
RESPONSE TO THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
THIRD REQUEST FOR PRODUCTION OF DOCUMENTS TO
PROGRESS ENERGY FLORIDA, INC. (NOS. 8, 9, 11, and 13)**

Progress Energy Florida, Inc., by and through its undersigned counsel, hereby serves its
amended and supplemental response to the Florida Industrial Power Users Group's ("FIPUG")
Third Request for Production of Documents (Nos. 8, 9, 11, and 13), as follows:

GENERAL RESPONSES

PEF 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 FIPUG, will provide copies of responsive
documents and materials by U.S. Mail, overnight mail, or will produce the documents in some
other manner or at some other place that is mutually convenient to both PEF and FIPUG for
purposes of inspection, copying, or handling of the responsive documents.

With respect to the "Definitions" and "Instructions" sections in FIPUG's Third Request
for Production of Documents (Nos. 3-14), PEF objects to any attempt by FIPUG to dictate what
PEF's discovery obligations are, by definitions, instructions, or otherwise. If some question
arises as to PEF's discovery obligations, PEF will resolve any such question in compliance with
the applicable rules of civil procedure without reference to any of FIPUG's "instructions" or
"definitions" to the contrary. Additionally, PEF objects to FIPUG's "Instruction B" to the extent

that FIPUG is attempting to seek documents protected by the attorney-client and/or work product privileges from PEF's attorneys.

Additionally, PEF generally objects to FIPUG's discovery request to the extent that it 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. 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 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, 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.

With respect to responsive documents and information that have been identified as confidential, PEF notes that it has entered into a Confidentiality Agreement with FIPUG regarding such documents and information, and any such confidential documents or information produced to FIPUG are subject to the protections set forth in that Agreement.

Finally, documents and information responsive to FIPUG's Third Request for Production of Documents (Nos. 3-14) will be produced in paper form where such documents are kept and

maintained by PEF only in paper form. Where responsive documents and information are available in both paper and electronic form, PEF will make such responsive documents and information available in paper form in response to FIPUG's Third Request for Production of Documents (Nos. 3-14), but will make electronic copies of any such documents available to FIPUG upon request.

SPECIFIC RESPONSES TO REQUESTS FOR PRODUCTION

8. Produce all documents that support your response to Interrogatory No. 15.

Amended Response:

Pursuant to agreement with counsel for FIPUG on December 20, 2004, the scope of Interrogatory 15 has been modified, and information requested by FIPUG has been included within PEF's response to Interrogatory No. 15 and in documents produced to FIPUG in Bates ranges PEF-SR-09890 through PEF-SR-09906. Please note that the documents produced in Bates ranges PEF-SR-09890 through PEF-SR-09906 contain confidential business information, have been marked "Confidential," are subject to PEF's Confidentiality Agreement with FIPUG in this matter and, therefore, are subject to the protections set forth in that Agreement.

9. Produce all documents that support your response to Interrogatory No. 17.

Amended Response:

Please see PEF's response to Interrogatory No. 17 and the document produced to FIPUG at Bates range PEF-SR-09907. Please note that the document produced in Bates ranges PEF-SR-09907 contains confidential business information, has been marked "Confidential," is subject to PEF's Confidentiality Agreement with FIPUG in this matter and, therefore, is subject to the protections set forth in that Agreement.

11. Produce a copy of all Surveillance Reports referenced in response to Interrogatory No. 28.

Supplemental Response:


Responsive documents are included in Bates ranges PEF-SR-09908 through PEF-SR-09960.

13. Provide all documents that support the amount of bad debt write-offs PEF seeks to recover in this docket.

Supplemental Response:

Responsive documents are included in Bates ranges PEF-SR-09961 through PEF-SR-09962.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following individuals as indicated in the service list on this 6th day of January, 2005.

Via electronic and U.S. Mail

Jennifer Brubaker, Esquire
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**Via electronic and Federal Express
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