

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on behalf of Citizens of the State of Florida to require Progress Energy Florida, Inc. to refund to customers \$143 million

Docket No. 060658-EI

Submitted for Filing: February 19, 2007

RECEIVED-FPSC
07 FEB 19 PM 3:22
COMMISSION CLERK

PEF'S OBJECTIONS TO STAFF'S FIRST REQUEST TO PRODUCE DOCUMENTS (Nos. 1-14)

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 Office of General Counsel's ("Staff's") First Request to Produce Documents (Nos. 1-14) and states as follows:

GENERAL OBJECTIONS

PEF generally objects to the time and place of production requirement in Staff's First Request to Produce Documents and will make all responsive documents available for inspection and copying at the offices of Progress Energy Florida, Inc., 106 E. College Ave., Tallahassee, Florida, 32301 at a mutually-

CMP convenient time, or will produce the documents in some other manner or at some other place that is
COM mutually convenient to both PEF and Staff for purposes of inspection, copying, or handling of the
CTR responsive documents.
ECR

With respect to the "Definitions" in Staff's First Request to Produce Documents, PEF objects to

GCL
OPC any definitions or instructions that are inconsistent with PEF's discovery obligations under applicable
RCA rules. If some question arises as to PEF's discovery obligations, PEF will comply with applicable rules
SCR and not with any of Staff's definitions or instructions that are inconsistent with those rules. PEF objects
SGA
SEC to any definition or request that seeks to encompass persons or entities other than PEF who are not parties
OTH to this action and that are otherwise not subject to discovery. Furthermore, PEF objects to any request that calls for PEF to create documents that it otherwise does not have because there is no such requirement under the applicable rules and law.

RECEIVED & FILED

R.V.N.
BUREAU OF REC

DOCUMENT NUMBER-DATE

01612 FEB 19 07

FPSC-COMMISSION CLERK

Additionally, PEF generally objects to Staff's requests 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. 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 document request calls for the production of privileged or protected 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. 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 Establishing Procedure, and all other applicable statutes, rules, and legal principles.

PEF generally objects to Staff's First Request to Produce Documents to the extent that it calls for the production of "all" documents of any nature, including, every copy of every document responsive to the requests. PEF will make a good faith, reasonably diligent attempt to identify and obtain responsive documents when no objection has been asserted to the production of such documents, but it is not practicable or even possible to identify, obtain, and produce "all" documents. In addition, PEF reserves the right to supplement any of its responses to Staff's requests for production 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.

PEF also objects to any Interrogatory or Request for Production that purports to require PEF or its experts to prepare studies, analyses, or to do work for Staff that has not been done for PEF, presumably at PEF's cost.

By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to Staff's discovery at the time PEF's response is due 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.

SPECIFIC OBJECTIONS

Request 1: PEF objects to this request as overbroad and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence.

Request 2: PEF objects to this request, in part, as overbroad and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence, and PEF additionally objects given that it requests data dealing with Progress Energy, Inc.

Request 3: PEF objects to this request, in part, as overbroad and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence, and PEF additionally objects given that it requests data dealing with Progress Energy, Inc.

Request 4: PEF objects to this request, in part, as overbroad and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence, and PEF additionally objects given that it requests data dealing with Progress Energy, Inc.

Request 5: PEF objects to this request as overbroad and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence.

Request 9: PEF objects to this request to the extent that it requests PEF's expert to copy or reproduce any copyright protected material that he does not have the legal right and/or permission to copy or reproduce.

Request 10: PEF objects to this request to the extent that it requests PEF's expert to copy or reproduce any copyright protected material that he does not have the legal right and/or permission to copy or reproduce.

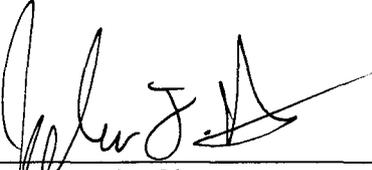
Request 11: PEF objects to this request to the extent that it requests PEF's expert to copy or reproduce any copyright protected material that he does not have the legal right and/or permission to copy or reproduce.

Request 12: PEF objects to this request to the extent that it requests PEF's expert to copy or reproduce any copyright protected material that he does not have the legal right and/or permission to copy or reproduce.

Request 13: PEF objects to this request as irrelevant and not likely to lead to the discovery of admissible evidence.

Request 14: PEF objects to this request, in part, as overbroad and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence, and PEF additionally objects given that it requests data dealing with Florida Progress Corporation and Progress Energy, Inc.

Respectfully submitted,



R. Alexander Glenn
Deputy General Counsel – Florida
John T. Burnett
Associate General Counsel
PROGRESS ENERGY SERVICE
COMPANY, LLC
Post Office Box 14042
St. Petersburg, FL 33733-4042
Telephone: (727) 820-5587
Facsimile: (727) 820-5519



Gary L. Sasso
Florida Bar No. 0622575
James Michael Walls
Florida Bar No. 0706242
Dianne M. Triplett
Florida Bar No. 0872431
CARLTON FIELDS, P.A.
4421 W. Boy Scout Blvd., Ste. 1000 (33607)
Ste. 1000 (33607)
Post Office Box 3239
Tampa, FL 33601-3239
Telephone: (813) 223-7000
Facsimile: (813) 229-4133

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Objections to Staff's First Request for Production (No. 1-14), in Docket No. 060658-EI has been furnished by regular U.S. mail to the following this 14th day of February, 2007.



Attorney

Lisa Bennett, Esq.
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Michael B. Twomey
P.O. Box 5256
Tallahassee, FL 32314-5256

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

Karen S. White, Lt. Col., USAF
Damund E. Williams, Capt., USAF
AFLSA/JACL-ULT
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319

Jeffrey A. Stone
Russell A. Badders
Steven R. Griffin
Beggs & Lane
P.O. Box 12950
Pensacola, FL 32591

Ms. Paula K. Brown
Regulatory Affairs
Tampa Electric Company
P.O. Box 111
Tampa, FL 33601-0111

Norman Horton, Jr.
Messer, Caparello & Self, P.A.
P.O. Box 15579
Tallahassee, FL 32317

Joseph A. McGlothlin, Esq.
Office of Public Counsel
111 W. Madison St., Room 812
Tallahassee, FL 32399

Florida Industrial Power Users Group
c/o John W. McWhirter, Jr.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33602

Ms. Cheryl Martin
Florida Public Utilities Company
P.O. Box 3395
West Palm Beach, FL 33402-3395

Young van Assenderp, P.A.
Robert Scheffel Wright/John LaVia, III
225 South Adams St., Suite 200
Tallahassee, Florida 32301

Florida Power & Light Co.
R. Wade Litchfield, Esq.
John T. Butler
Natalie Smith
700 Universe Blvd.
Juno Beach, FL 33408-0420

Florida Power & Light Co.
Bill Walker
215 S. Monroe Street, Suite 810
Tallahassee, FL 32301

Susan D. Ritenour
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

James W. Brew
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson St. NW
8th Floor, West Tower
Washington, DC 20007-5201

Florida Retail Federation
100 E. Jefferson St.
Tallahassee, FL 32301

Jack Shreve
Cecilia Bradley
Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050