

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: March 19, 2007

**PEF'S OBJECTIONS TO STAFF'S FIFTH SET OF
INTERROGATORIES (Nos. 93-97)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Fla. R. Civ. P., Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Office of General Counsel's ("Staff's") Fifth Set of Interrogatories (Nos. 93-97).

GENERAL OBJECTIONS

PEF generally objects to Staff's interrogatories to the extent that they call for data 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 objects to Staff interrogatories to the extent that they attempt to evade the numerical limitations set forth in the Order Establishing Procedure, Order No. PSC-07-0048-PCO-EI by using subparts.

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.

Finally, PEF reserves the right to supplement any of its responses to Staff's Interrogatories if PEF cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if PEF later discovers additional responsive information 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 Staff's discovery at the time PEF's response is due.

SPECIFIC OBJECTIONS

Interrogatory 93(a): PEF objects to this interrogatory as it calls for speculation because Mr. Kennedy did not draft the letter. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer this question as to Mr. Kennedy's interpretation.

Interrogatory 93(b): PEF objects to this interrogatory as it is vague, confusing, and PEF is not sure what this question is asking. Subject to and without waiving this objection or any of PEF's general objections, PEF interprets the question to mean: were any CR4 and CR5 environmental control devices specifically designed to accommodate coal mined from Boone County, West Virginia.

Interrogatory 93(c): PEF incorporates its objection to question 93(b) above.

Interrogatory 93(g): PEF objects to this interrogatory, in part, as overbroad, and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence. Specifically, PEF objects to the information requested for the past 20 years, since not all such information has relevance to or bearing on this proceeding. Subject to and without waiving these objections or any of PEF's general objections, PEF will produce any such information for 1996 through 2005.

Interrogatory 93(h): PEF objects to this interrogatory, in part, as overbroad, and calling for information that is irrelevant and not likely to lead to the discovery of admissible evidence. Specifically, PEF objects to the information requested for the past 20 years, since not all such information has relevance to or bearing on this proceeding. PEF also objects to this question to the extent that it calls for a legal opinion or legal conclusion. Subject to and without waiving these objections or any of PEF's general objections, PEF will produce any such information for 1996 through 2005.

Interrogatory 94(c): PEF objects to this interrogatory as vague and because PEF does not know what Staff means by flexibility. PEF further objects to this question to the extent that it calls for a legal opinion or legal conclusion.

Interrogatory 94(d): PEF objects to this interrogatory to the extent that it calls for a legal opinion or legal conclusion.

Interrogatory 94(f): PEF objects to this interrogatory as vague because PEF does not know what Staff means by capability. Subject to and without waiving these objections or any of PEF's general objections, PEF will provide ratings in the Ten Year Site Plan at that time to the extent such information is available.


Interrogatory 95: PEF objects to this interrogatory as irrelevant to the extent that it is asking for derates not due to the type of fuel being burned.

Interrogatory 95(b): PEF objects to this interrogatory as irrelevant to the extent that it is asking for derates not due to the type of fuel being burned.

Interrogatory 96: PEF objects to this interrogatory as irrelevant to the extent that it is asking for derates not due to the type of fuel being burned.

Interrogatory 96(b): PEF objects to this interrogatory as irrelevant to the extent that it is asking for derates not due to the type of fuel being burned.

Respectfully submitted,

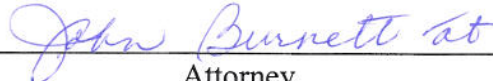

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Progress Energy Florida, Inc.'s Objections to Staff's Fifth Set of Interrogatories (93-97), in Docket No. 060658-EI have been furnished by regular U.S. mail to the following this 19 day of March, 2007.



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