

Timolyn Henry

From: Costello, Jeanne [JCostello@CarltonFields.com]
Sent: Wednesday, June 20, 2007 10:55 AM
To: Filings@psc.state.fl.us
Cc: Beth Keating; Charles Beck; James Brew; John McWhirter, Jr.; John T. Lavia, III; Joseph A. McGlothlin; Karin Torain; Lisa Bennett; Mike Twomey; Patricia Christensen; Schef Wright
Subject: Filing Docket No. 070052
Attachments: PEF Objections to OPC 2nd RFP.pdf; warning.htm; PEF Objections to OPC 2nd Interr.pdf



PEF Objections warning.htm PEF Objections
, OPC 2nd RFP.. (707 B) , OPC 2nd Interr.

<<PEF Objections to OPC 2nd RFP.pdf>> Th <<InterAction Web Client.lnk>> e <<PEF Objections to OPC 2nd Interr.pdf>> following documents are being e-filed and e-served on behalf of Progress Energy Florida in Docket 070052:

1. PEF's Objections to OPC's Second Set of Interrogatories (No. 19)
- 3 pages; and
2. PEF's Objections to OPC's Second Request to Produced Documents
(No. 3) - 4 pages.

Paper copies will be served on all counsel and parties of record.

Jeanne Costello
Legal Administrative Assistant
James Michael Walls / Dianne M. Triplett Carlton Fields
4221 W. Boy Scout Blvd., Ste. 1000
Tampa, FL 33607
Email: jcostello@carltonfields.com
Direct Dial: (813) 229-4917
Fax: (813) 229-4133
www.carltonfields.com

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Progress Energy Florida, Inc.
to recover costs of Crystal River Unit 3
uprate through fuel clause

Docket No. 070052-EI

Submitted for Filing: June 20, 2007

PEF'S OBJECTIONS TO OPC'S SECOND REQUEST TO PRODUCE DOCUMENTS (No. 3)

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 Public Counsel's ("OPC's") Second Request to Produce Documents (No. 3) and states as follows:

GENERAL OBJECTIONS

PEF generally objects to the time and place of production requirement in OPC's Second 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-convenient time, or will produce the documents in some other manner or at some other place that is mutually convenient to both PEF and OPC for purposes of inspection, copying, or handling of the responsive documents.

With respect to the "Definitions" in OPC's Second Request to Produce Documents, PEF objects to any definitions or instructions that are inconsistent with PEF's discovery obligations under applicable rules. If some question arises as to PEF's discovery obligations, PEF will comply with applicable rules and not with any of OPC's definitions or instructions that are inconsistent with those rules. PEF objects to any definition or request that seeks to encompass persons or entities other than PEF who are not parties 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.

Additionally, PEF generally objects to OPC'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.

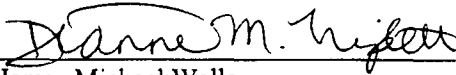
Further, in certain circumstances, PEF may determine upon investigation and analysis that documents responsive to certain requests to which objections are not otherwise asserted are confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective 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 OPC's Second 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 OPC'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 OPC that has not been done for PEF, presumably at PEF's cost.

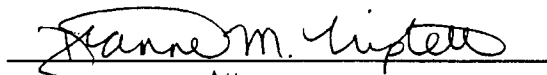
By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to OPC's discovery at the time PEF's response is due under the Florida Rules of Civil Procedure and the Order Establishing Procedure. PEF provides these general 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.

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


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)
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 Citizens Second Request for Production (No. 3), in Docket No. 070052-EI has been furnished by regular U.S. mail to the following this 20th day of June, 2007.


Attorney

Joseph McGlothlin
Office of the Public Counsel
c/o The Florida Legislature
111 W. Madison St., Room 812
Tallahassee, FL 32399

John McWhirter
McWhirter Reeves Law Firm
400 N. Tampa Street, Ste. 2450
Tampa, FL 33602

Administrative Procedures Committee
Room 120 Holland Building
Tallahassee, FL 32399-1300

Mike Twomey
P.O. Box 5256
Tallahassee, FL 32314

Dept. of Community Affairs
Charles Gauthier
Division of Community Planning
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Beth Keating
106 E. College Ave. Ste. 1200
Tallahassee, FL 32301

Department of Environmental Protection
Michael P. Halpin
2600 Blairstone Road MS 48
Tallahassee, FL 32301

Fla. Cable Communications Assoc.
246 E. 6th Avenue, Ste. 100
Tallahassee, FL 32303

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

Robert Scheffel Wright
225 S. Adams Street, Ste. 200
Tallahassee, FL 32301

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

Karin S. Torain
PCS Administration (USA), Inc.
Suite 400
1101 Skokie Blvd.
Northbrook, IL 60062