

Ruth Nettles

From: Tibbetts, Arlene [Arlene.Tibbetts@pgnmail.com]
Sent: Tuesday, February 05, 2008 11:14 AM
To: Filings@psc.state.fl.us
Cc: Kelly.JR@leg.state.fl.us; mcglathlin.joseph@leg.state.fl.us; Lisa Bennett; Keino Young; mwalls@carltonfields.com; Triplett, Dianne
Subject: Docket 070703 Filing: PEF Objections to OPC's 2nd Set of Interrogatories
Attachments: Objections to 2nd Interrogatories (Nos. 4-8).pdf

This electronic filing is made by:

John Burnett
P.O. Box 14042
St. Petersburg, FL 33733
727-820-5184
John.Burnett@pgnmail.com

Docket: 070703-EI

In re: Review of coal costs for Progress Energy Florida's Crystal River Units 4 and 5 for 2006 and 2007

On behalf of Progress Energy Florida

Consisting of 3 pages

The attached document for filing is PEF's Objections to OPC's Second Set of Interrogatories (Nos. 4-8)

<<Objections to 2nd Interrogatories (Nos. 4-8).pdf>>

2/5/2008

DOCUMENT NUMBER-DATE
00906 FEB-5 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of coal costs for Progress
Energy Florida's Crystal River Units 4 and
5 for 2006 and 2007

Docket No. 070703-EI

Submitted for Filing: February 5, 2008

**PEF'S OBJECTIONS TO OPC'S SECOND SET OF
INTERROGATORIES (Nos. 4-8)**

Pursuant to Fla. Admin. Code R. 28-106.206 and Rule 1.340 of the Fla. R. Civ. P., Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Office of Public Counsel's ("OPC's") Second Set of Interrogatories (Nos. 4-8).

GENERAL OBJECTIONS

With respect to the "Definitions" and "Instructions" in OPC's Second Set of Interrogatories, 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. Furthermore, PEF objects to any interrogatory that calls for PEF to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

PEF objects to any definition or interrogatory that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

PEF objects to any attempt by OPC to evade any numerical limitations on the number of interrogatories allowed in this docket 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 OPC that has not been done for PEF, presumably at PEF's cost.

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Additionally, PEF generally objects to OPC'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.

Finally, PEF reserves the right to supplement any of its responses to OPC'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 OPC's discovery at the time PEF's response is due.

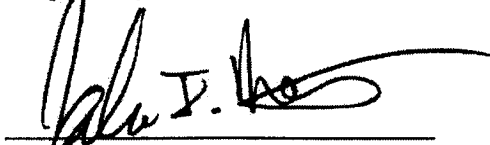
SPECIFIC OBJECTIONS

Interrogatory 4: PEF objects to this interrogatory to the extent it attempts to elicit information regarding coal deliveries to Crystal River prior to the year 2006, since such information is not relevant or material to any issue in this proceeding. PEF also objects to this interrogatory to the extent it attempts to elicit information regarding coal deliveries to Crystal River for units other than Crystal River Units 4 and 5. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer the question as it relates to coal deliveries to Units 4 and 5 in 2006 and 2007.

Interrogatory 5: PEF objects to this interrogatory to the extent it attempts to elicit information regarding contractual arrangements for coal deliveries to Crystal River prior to the year 2006, since such information is not relevant or material to any issue in this proceeding. PEF also objects to this interrogatory to the extent it attempts to elicit information regarding contractual arrangements for coal deliveries to Crystal River for units other than Crystal River Units 4 and 5. PEF further objects to this interrogatory to the extent it attempts to elicit information regarding Progress Energy's contractual needs rather than the needs of Progress Energy Florida, Inc. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer the question as it relates to contractual arrangements for Progress Energy Florida, Inc.'s coal deliveries to Units 4 and 5 in 2006 and 2007.

Interrogatory 6: PEF objects to this interrogatory to the extent it attempts to elicit information regarding coal deliveries to Crystal River prior to the year 2006, since such information is not relevant or material to any issue in this proceeding. PEF also objects to this interrogatory to the extent it attempts to elicit information regarding coal deliveries to Crystal River for units other than Crystal River Units 4 and 5. Subject to and without waiving this objection or any of PEF's general objections, PEF will answer the question as it relates to coal deliveries to Units 4 and 5 in 2006 and 2007.

Respectfully submitted,

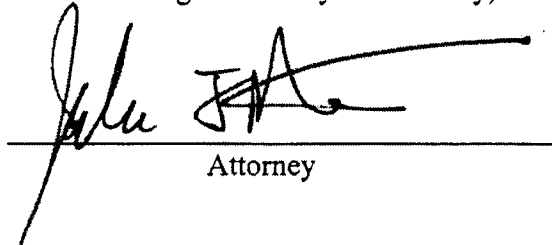


R. Alexander Glenn
Deputy General Counsel – Florida
John T. Burnett
Associate General Counsel
PROGRESS ENERGY SERVICE
COMPANY, LLC
Post Office Box 14042
St. Petersburg, FL 33733-4042
Telephone: (727) 820-5587
Facsimile: (727) 820-5519

James Michael Walls
Florida Bar No. 0706242
Diane M. Triplett
Florida Bar No. 0872431
CARLTON FIELDS, P.A.
4421 W. Boy Scout Blvd.
Suite 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 Set of Interrogatories (Nos. 4-8), in Docket No. 070703-EI have been furnished by regular U.S. mail to the following this 5th day of February, 2008.



Attorney

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

J. R. Kelly, Esq.
Office of Public Counsel
111 W. Madison St., Room 812
Tallahassee, FL 32399