

## Ruth Nettles

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**Subject:** FPSC Docket No. 080148 - PCS Phosphate Objections to PEF's First Document Requests  
**Attachments:** PCS Objections to 1st PEF DocReqs.doc

- a. Person responsible for filing
- James W. Brew  
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- b. Docket No. 080148-EI, In Re: Petition for Determination of Need for Levy Units 1 and 2 Nuclear Power Plants
- c. Filed on behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs
- d. Total Pages = 6
- e. White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs' Objections To Progress Energy Florida, Inc.'s First Request For Production Of Documents (attached as PCS Objections to 1st PEF DocReqs.doc)

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DOCUMENT NUMBER-DATE

03641 MAY-28

FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

**In Re: Petition for Determination of )  
Need for Levy Units 1 and 2 Nuclear )  
Power Plants )**  
\_\_\_\_\_ )

**Docket No. 080148-EI**

**WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.  
d/b/a PCS PHOSPHATE – WHITE SPRINGS’ OBJECTIONS TO PROGRESS  
ENERGY FLORIDA, INC.’S FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS**

White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (“PCS Phosphate”) hereby serves its objections to Progress Energy Florida, Inc.’s (“PEF”) First Request for Production of Documents as follows:

**GENERAL OBJECTIONS**

PCS Phosphate generally objects to the time and place of production requirement in PEF’s First Request for Production of Documents and will make all responsive documents available for inspection and copying at the offices of Brickfield, Burchette, Ritts & Stone, P.C., 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington, DC 20007-5201 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 PCS Phosphate and PEF for purposes of inspection, copying, or handling of the responsive documents.

PCS Phosphate objects to any definitions or instructions that are inconsistent with PCS Phosphate’s discovery obligations under applicable rules. If some question arises as to PCS Phosphate’s discovery obligations, PCS Phosphate will comply with applicable rules and not with any of PEF’s definitions or instructions that are inconsistent with those rules.

DOCUMENT NUMBER-DATE

Furthermore, PCS Phosphate objects to any discovery request that calls for PCS Phosphate to create data or information that it otherwise does not have because there is no such requirement under the applicable rules of law.

PCS Phosphate objects to any discovery request that purports to require PCS Phosphate or its experts and witnesses it may retain to prepare studies, analyses, or to do work for PEF that has not been done for PCS Phosphate, presumably at PCS Phosphate's cost.

Additionally, PCS Phosphate generally objects to PEF's discovery requests 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.

Further, in certain circumstances, PCS Phosphate 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 under an appropriate confidentiality agreement, protective order, or the procedures otherwise provided by law. PCS Phosphate 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 and all other applicable statutes, rules and legal principles.

PCS Phosphate generally objects to PEF's First Request for Production of 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. PCS Phosphate 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, PCS Phosphate reserves the right to supplement any of its responses to PEF’s requests for production if PCS Phosphate cannot produce documents immediately due to their magnitude and the work required to aggregate them, or if PCS Phosphate later discovers additional responsive documents in the course of this proceeding.

By making these general objections, PCS Phosphate does not waive or relinquish its right to assert additional general and specific objections to PEF’s discovery at the time PCS Phosphate’s response is due under the Florida Public Service Commission’s March 12, 2008 *Order Establishing Procedure*, Order No. PSC-08-0151-PCO-EI. PCS Phosphate provides these general and specific objections at this time with the intent to reduce the delay in identifying and resolving any potential discovery disputes.

### **SPECIFIC OBJECTIONS TO DOCUMENT REQUESTS**

1. In reference to each witness identified in response to Interrogatory No. 1 of PEF’s First Set of Interrogatories to White Springs, served simultaneously with this request, please provide:

(a) All direct, rebuttal, and surrebuttal testimony filed by the witness, including any testimony before the United States Congress or any other state legislative or regulatory body, relating to the same and/or similar topic on which the witness is filing testimony in this proceeding.

(b) To the extent not provided in response to Request 1(a), all other direct, rebuttal, and surrebuttal testimony filed by the witness, in the last five (5) years, including any testimony before the United States Congress or any other state legislative or regulatory body.

(c) All work papers, spreadsheets, electronic files, or other materials referred to and/or relied upon by the witness in the course of preparing his testimony in this proceeding.

(d) All articles published or submitted for publication by the witness on the same topic and/or a topic similar to the one that the witness is filing testimony on in this proceeding.

(e) To the extent not provided for in response to Request 1(d), all other articles published or submitted for publication by the witness in the last five (5) years.

(f) All texts, treatises, textbooks, or other materials referred to and/or relied upon by the witness in the course of preparing his testimony in this proceeding.

(g) All documents, spreadsheets, data, on disk if available, used by the witness in the development of exhibits to his testimony, if any.

(h) All source documents used to create the exhibits to the witness' testimony.

(i) All reports or documents identified in response to PEF's First Set of Interrogatories to White Springs.

(j) All documents or other materials reviewed for any purpose, even if not relied on, by the witness in the course of preparing his testimony in this proceeding, or that the witness intends to review in the course of preparing to testify in this proceeding.

(k) Any engagement letter or similar agreement between the witness and White Springs or between the witness and Brickfield Burchette Ritts & Stone, PC regarding this docket.

(l) Any correspondence, including electronic mail, between the witness or any individual acting on behalf of the witness regarding this matter and representatives of White Springs, including Brickfield Burchette Ritts & Stone, PC.

(m) Please provide copies of all invoices from witness Peter Bradford or Bradford Brook Associates for services rendered in this docket.

(n) Please provide copies of all books, law review articles, articles, presentations, and other papers listed in Exhibit PAB-1 to witness Peter Bradford's testimony.

**Objection:**

In addition to the General Objections, PCS Phosphate objects to this request, and its subparts, as irrelevant, immaterial, unduly burdensome and not likely to lead to the discovery of admissible evidence. PCS Phosphate also objects to this request, and its subparts, as overbroad, vague and ambiguous in that the use of phrases "same and/or similar topic" and "same topic and/or a topic similar" to a witness' testimony do not provide sufficient detail to

adequately determine the materials sought by the request. PCS Phosphate also objects to this request, and its subparts, as overbroad in temporal scope and subject matter.

With respect to subpart (i) of this request, PCS Phosphate also objects to this request to the extent PCS Phosphate objected to any of PEF's First Set of Interrogatories to PCS Phosphate.

Respectfully submitted,

s/ James W. Brew

James W. Brew

F. Alvin Taylor

Brickfield, Burchette, Ritts & Stone, P.C.

1025 Thomas Jefferson Street, NW

Eighth Floor, West Tower

Washington, DC 20007-5201

*Attorneys for*

*White Springs Agricultural Chemicals, Inc.*

*d/b/a PCS Phosphate - White Springs*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing has been furnished by electronic mail and/or U.S. Mail this 2nd day of May 2008 to the following:

PCS Administration (USA), Inc. Karin S. Torain Suite 400 Skokie Boulevard Northbrook, IL 60062	Charles Gauthier Department of Community Affairs Division of Community Planning” 2555 Shumard Oak Boulevard Tallahassee, FL 32399-2100
J.R. Kelly/Stephen Burgess Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400	Michael P. Halpin Department of Environmental Protection Siting Coordination Office 2500 Blairstone Road, MS 48 Tallahassee, FL 32301
John T. Burnett/R. Alexander Glenn Progress Energy Service Company, LLC Post Office Box 14042 St. Petersburg, FL 33733-4042	Mr. Paul Lewis, Jr. Progress Energy Florida 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740
Bob Krasowski 1086 Michigan Ave. Naples, FL 34103	Southern Alliance for Clean Energy P.O. Box 1842 Knoxville, TN 37901
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Inglis Hydropower, LLC Dean Edwards P.O. Box 1565 Dover, FL 33527	

s/ James W. Brew