

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE:
PETITION FOR INCREASE IN RATES
BY PROGRESS ENERGY FLORIDA, INC.

Docket No. 090079-EI
Submitted for filing: June 2, 2009

**PEF'S OBJECTIONS TO STAFF'S SIXTH REQUEST FOR
PRODUCTION OF DOCUMENTS (NOS. 22-46)**

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 Florida Public Service Commission Staff's ("Staff") Sixth Request for Production of Documents (Nos. 22-46) and states as follows:

GENERAL OBJECTIONS

PEF will make all responsive documents available for inspection and copying at the offices of PEF, 106 E. College Ave., Suite 800, 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 Staff for purposes of inspection, copying, or handling of the responsive documents.

With respect to any "Definitions" and "Instructions" in Staff's Requests for Production, 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 Staff's definitions or instructions that are inconsistent with those rules.

SPECIFIC OBJECTIONS

Request 32: PEF objects to Staff's request number 32 because that request seeks to require PEF to perform additional studies for Staff's benefit that have not been performed by or for PEF, presumably at PEF's expense. There is no requirement in the applicable Rules or Order that requires PEF to create additional studies in response to a discovery request that the Company has not previously created or had created on its behalf.

Request 33: PEF objects to Staff's request number 33 because that request seeks to require PEF to perform additional studies for Staff's benefit that have not been performed by or for PEF, presumably at PEF's expense. There is no requirement in the applicable Rules or Order that requires PEF to create additional studies in response to a discovery request that the Company has not previously created or had created on its behalf.

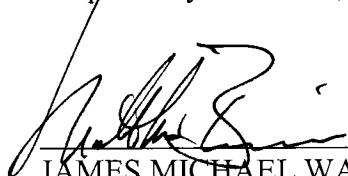
Request 34: PEF objects to Staff's request number 34 to the extent that request seeks to require PEF to perform additional calculations for Staff's benefit that have not been performed by or for PEF, presumably at PEF's expense, and that cannot be reasonably performed, given that the existing results for each property group are generated internally within the depreciation model. There is no requirement in the applicable Rules or Order that requires PEF to create such additional calculations in response to a discovery request that the Company has not previously created or had created on its behalf. In addition, the requested calculations are irrelevant and not reasonably calculated to lead to admissible evidence in this proceeding.

Request 45: PEF objects to Staff's request number 45 because that request seeks to require PEF to perform additional calculations or studies for Staff's benefit that have not been performed by or for PEF and that PEF would not normally perform under the applicable depreciation methodology and Commission Rule 25-6.0436, F.A.C., presumably at PEF's expense. There is no requirement in the applicable Rules or Order that requires PEF to create

additional calculations or studies in response to a discovery request that the Company has not previously created, had created on its behalf, or would ever have created on or for its behalf. In addition, the additional calculations or studies requested are irrelevant and not reasonably calculated to lead to admissible evidence in this proceeding.

Request 46: PEF objects to Staff's request number 46 because that request seeks to require PEF to perform additional calculations or studies for Staff's benefit that have not been performed by or for PEF and that PEF would not normally perform under the applicable depreciation methodology and Commission Rule 25-6.0436, F.A.C., presumably at PEF's expense. There is no requirement in the applicable Rules or Order that requires PEF to create such additional calculations or studies in response to a discovery request that the Company has not previously created, had created on its behalf, or would ever have created on or for its behalf. In addition, the additional calculations or studies requested are irrelevant and not reasonably calculated to lead to admissible evidence in this proceeding.

Respectfully submitted,



JAMES MICHAEL WALLS
mwalls@carltonfields.com
Florida Bar No. 0706242
DIANNE M. TRIPLETT
dtriplett@carltonfields.com
Florida Bar No. 0872431
MATTHEW BERNIER
mbernier@carltonfields.com
Florida Bar No. 0059886
Carlton Fields
4221 W. Boy Scout Boulevard
P.O. Box 3239
Tampa, Florida 33607-5736
(813) 223-7000 / (813) 229-4133 (fax)

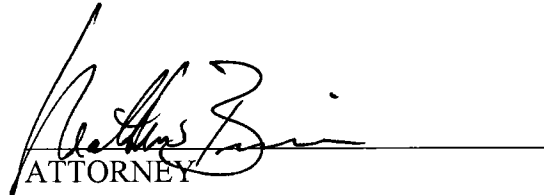
R. ALEXANDER GLENN
alex.glenn@pgnmail.com
JOHN T. BURNETT
john.burnett@pgnmail.com
Progress Energy Service Company, LLC
299 First Avenue North
P.O. Box 14042 (33733)
St. Petersburg, Florida 33701
(727) 820-5184
(727) 820-5249(fax)

PAUL LEWIS, JR.
Paul.lewisjr@pgnmail.com
Progress Energy Service Company, LLC
106 East College Avenue, Suite 800
Tallahassee, Florida 32301
(850) 222-8738 / (850) 222-9768 (fax)

RICHARD MELSON
rick@rmelsonlaw.com
Florida Bar No. 0201243
705 Piedmont Drive
Tallahassee, FL 32312
(850) 894-1351

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via electronic and U.S. Mail to the following counsel of record as indicated below on this 2nd day of June, 2009.



ATTORNEY

KATHERINE FLEMING
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399

J.R. KELLY/CHARLES REHWINKLE
Office of the Public Counsel
c/o The Florida Legislature
111 W. Madison Street – Room 812
Tallahassee, FL 32399-1400

BILL MCCOLLUM/CECILIA BRADLEY
Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050

VICKI G. KAUFMAN/JON C. MOYLE, JR.
Keefe Law Firm, The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

JAMES W. BREW/ALVIN TAYLOR
Brickfield Law Firm
1025 Thomas Jefferson Street, NW, 8th Fl
Washington, D.C. 20007

R. SCHEFFEL WRIGHT / JOHN T. LAVIA
Young Law Firm
225 South Adams Street, Ste. 200
Tallahassee, FL 32301

KAY DAVOODI
Director, Utility Rates and Studies Office
Naval Facilities Engineering Command
1322 Patterson Avenue SE
Washington Navy Yard, DC 20374-5065

AUDREY VAN DYKE
Litigation Headquarters
Naval Facilities Engineering Command
720 Kennon Street, S.E. Bldg 36, Room 136
Washington Navy Yard, DC 20374-5065