

Diamond Williams

100001-EI

From: Stright, Lisa [Lisa.Stright@pgnmail.com]
Sent: Monday, October 11, 2010 1:08 PM
To: Filings@psc.state.fl.us
Cc: Lisa Bennett; Michael Barrett; Jim Beasley; Butler, John; Litchfield, Wade; Jeffrey Stone; Russell Badders; Steven Griffin; Paula K. Brown; sdriteno@southernco.com; John McWhirter; Beth Keating; KELLY.JR; Charles Rehwinkel; Charles Beck; gbachman@fpuc.com; James Brew; Vicki Gordon Kaufman; Jon C. Moyle Jr.; Cecilia Bradley; shayla.mcneilli@tyndall.af.mil; Schef Wright ; Burnett, John; Lewis Jr, Paul
Subject: RESUBMISSION: E-Filing & Service: PEF Objections to FIPUG 1st Set of Rogs & PODs - Dkt# 100001
Attachments: PEF Objections to FIPUG 1st Set of Rogs (1-22) & PODs (1-6).pdf

Due to a scanning error of initial filing, this electronic filing being resubmitted is made by:

John T. Burnett
299 First Avenue North
St. Petersburg, FL 33733
(727) 820-5184
john.burnett@pgnmail.com

Docket No. 100001-EI

On behalf of Progress Energy Florida

Consisting of 4 pages.

The attached document for filing is PEF's Objections to FIPUG's 1st Set of Rogs (1-22) and 1st Request for PODs (1-6) in the above referenced docket.

Thank you,

Lisa Stright
 Regulatory Analyst - Legal Dept.
 Progress Energy Svc Co.
 106 E. College Ave., Suite 800
 Tallahassee, FL 32301
 direct line: (850) 521-1425
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From: Filings@psc.state.fl.us [mailto:Filings@PSC.STATE.FL.US]

FILE NUMBER DATE

8448 OCT 11 e

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10/11/2010

Sent: Monday, October 11, 2010 12:57 PM

To: Stright, Lisa

Cc: Lisa Bennett; Michael Barrett; Jim Beasley; Butler, John; Litchfield, Wade; Jeffrey Stone; Russell Badders; Steven Griffin; Paula K. Brown; sdriteno@southernco.com; John McWhirter; Beth Keating; KELLY.JR; Charles Rehwinkel; Charles Beck; gbachman@fpuc.com; James Brew; Vicki Gordon Kaufman; Jon C. Moyle Jr.; Cecilia Bradley; shayla.mcneill@tyndall.af.mil; Schef Wright ; Burnett, John; Lewis Jr, Paul; Diamond Williams; Marguerite McLean

Subject: FW: E-Filing & Service: PEF Objections to FIPUG 1st Set of Rogs & PODs - Dkt# 100001

Hi Lisa,

Per our telephone conversation, this document is being returned to you. Due to the document not scanning/printing properly, this filing will need to be resubmitted to be accepted for filing. Give us a call if you have any questions or concerns.

Dorothy Menasco
Chief Deputy Commission Clerk
Florida Public Service Commission
Office of Commission Clerk
850-413-6770

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Stright, Lisa [mailto:Lisa.Stright@pgnmail.com]

Sent: Monday, October 11, 2010 11:33 AM

To: Filings@psc.state.fl.us

Cc: Lisa Bennett; Michael Barrett; Jim Beasley; Butler, John; 'Litchfield, Wade'; Jeffrey Stone; Russell Badders; Steven Griffin; Paula K. Brown; sdriteno@southernco.com; John McWhirter; Beth Keating; KELLY.JR; Charles Rehwinkel; Charles Beck; gbachman@fpuc.com; James Brew; Vicki Gordon Kaufman; Jon C. Moyle Jr.; Cecilia Bradley; shayla.mcneill@tyndall.af.mil; Schef Wright ; Burnett, John; Lewis Jr, Paul

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Docket No. 100001-EI

On behalf of Progress Energy Florida

Consisting of 4 pages.

**The attached document for filing is PEF's
Objections to FIPUG's 1st Set of Rogs (1-22)
and 1st Request for PODs (1-6) in the above**

10/11/2010

referenced docket.

Lisa Stright

Regulatory Analyst - Legal Dept.

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VN 230-5095

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating
performance incentive factor.

Docket No. 100001-EI

Submitted for Filing: October 11, 2010

**PEF'S OBJECTIONS TO FIPUG'S FIRST SET OF
INTERROGATORIES (Nos. 1-22) AND FIPUG'S FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS (Nos. 1-6)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Florida Rules of Civil Procedure, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to the Florida Industrial Power Users Group's ("FIPUG") First Set of Interrogatories (Nos. 1-22) and FIPUG's First Request for Production of Documents (Nos. 1-6) and states as follows:

GENERAL OBJECTIONS

With respect to the "Definitions" and "Instructions" in FIPUG's First Set of Interrogatories and FIPUG's First Request for Production of 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 FIPUG's definitions or instructions that are inconsistent with those rules. Furthermore, PEF objects to any interrogatory or request 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 or request that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.


Additionally, PEF generally objects to FIPUG's interrogatories or 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.

Finally, PEF objects to any attempt by FIPUG to evade any numerical limitations set on interrogatories by asking multiple independent questions within single individual questions and

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subparts. By making these general objections at this time, PEF does not waive or relinquish its right to assert additional general and specific objections to FIPUG's discovery at the time PEF's response is due.

Respectfully submitted,


R. ALEXANDER GLENN
General Counsel
JOHN T. BURNETT
Associate General Counsel
PROGRESS ENERGY SERVICE COMPANY, LLC
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St. Petersburg, FL 33701
Telephone: (727) 820-5184
Facsimile: (727) 820-5519

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 11th day of October, 2010 to all parties of record as indicated below.


JOHN T. BURNETT

<p>Lisa Bennett, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 lbennett@psc.state.fl.us</p>	<p>Florida Industrial Power Users Group c/o John McWhirter, Jr. McWhirter Reeves Law Firm 400 N. Tampa Street, Ste. 2450 Tampa, FL 33602 jmcwhirter@mac-law.com</p>
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<p>Mr. R. Wade Litchfield Florida Power & Light 215 S. Monroe Street, Ste. 810 Tallahassee, FL 32301-1859 Wade.litchfield@fpl.com</p>	<p>George Bachman Florida Public Utilities Company P.O. Box 3395 West Palm Beach, FL 33402-3395 gbachman@fpuc.com</p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Steven R. Griffin Beggs & Lane Law Firm P.O. Box 12950 Pensacola, FL 32591 jas@beggslane.com rab@beggslane.com srg@beggslane.com</p>	<p>Mr. James W. Brew, Esq. c/o Brickfield Law Firm 1025 Thomas Jefferson St., NW 8th Floor, West Tower Washington, DC 20007 jbrew@bbrslaw.com</p>
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