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Subject: Filing Docket 100437
Attachments: Docket 100437 PEF Objections to Citizens 8th Interrogatories.pdf

Docket 100437-EI

In re: Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.

1. Progress Energy Florida, Inc.'s Objections to Citizens' Eighth Set of Interrogatories (Nos. 111-122) is attached for filing.
2. This document contains 10 pages.
3. This document is being filed on behalf of Progress Energy Florida, Inc.
4. This document is being filed by

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Examination of the outage and replacement
fuel/power costs associated with the CR3 steam generator
replacement project, by Progress Energy Florida, Inc.

Docket No. 100437-EI

Filed: April 3, 2013

**PROGRESS ENERGY FLORIDA, INC.'S OBJECTIONS TO
CITIZENS' EIGHTH SET OF INTERROGATORIES (NOS. 111-122)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, and the Second Revised Order Establishing Procedure, Order No. PSC-13-0084-PCO-EI, issued February 13, 2013 (the "Order"), in this matter, Progress Energy Florida, Inc. ("PEF" or the "Company") hereby makes its objections to the Office of Public Counsel's ("Citizens" or "OPC") Eighth Set of Interrogatories (Nos. 111-122) and states as follows:

GENERAL OBJECTIONS

PEF generally objects to the time and place of production requirement in OPC's Eighth Set of Interrogatories 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" and "Instructions" in OPC's Eighth Set of Interrogatories:

PEF generally objects to OPC's interrogatories 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 within a reasonable time or as may be agreed to by the parties to the extent that a 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 interrogatories 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. 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, and all other applicable statutes, rules, and legal principles.

PEF also generally objects to OPC's Eighth Set of Interrogatories 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 interrogatories if PEF cannot produce documents immediately due to their magnitude and the work required aggregating them, or if PEF later discovers additional responsive documents in the course of this proceeding.

In addition, PEF object to OPC's Definitions, in particular, OPC Definitions Numbers i, ii, iii, iv, vi, and vii, to the extent they seek to encompass documents or information from persons or

entities other than PEF who are not parties to this Docket, who are not otherwise subject to discovery under the applicable rules and law, and to the extent these definitions request documents outside of PEF's possession, custody, or control. Furthermore, PEF objects to any interrogatory that calls for PEF to create documents that it otherwise does not have because there is no such requirement under applicable law.

PEF further objects to OPC's Instructions and Definitions to the extent that they seek to impose requirements on the responses to the Interrogatories beyond the requirements of the Florida Rules of Civil Procedure. PEF will respond to all OPC Interrogatories consistent with the requirements of the Florida Rules of Civil Procedure, and not some inconsistent and additional requirement under OPC's Instructions and Definitions.

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.

SPECIFIC OBJECTIONS

OPC Interrogatory Number 111:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for information from the 2002 through 2009 time period as that information is irrelevant to the issues to be decided in this proceeding and not reasonably calculated to lead to the discovery of relevant information.

OPC Interrogatory Number 113c:

SPECIFIC OBJECTION: PEF objects to this interrogatory because it seeks information that is irrelevant to the issues to be decided in this proceeding and it is not reasonably calculated to lead to the discovery of relevant information.

OPC Interrogatory Number 113d:

SPECIFIC OBJECTION: PEF objects to this interrogatory because it seeks information that is irrelevant to the issues to be decided in this proceeding and it is not reasonably calculated to lead to the discovery of relevant information. PEF further objects because this interrogatory seeks information from third-parties that are not parties to this docket.

OPC Interrogatory Number 114a:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 114b:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 114c:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 114d:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 114e:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 114f:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so. PEF further objects to this request to the extent it seeks Duke Energy costs recorded prior to closing of the merger, as those costs are irrelevant to the issues to be decided in this proceeding and the request for this information is not reasonably calculated to lead to the discovery of relevant information.

OPC Interrogatory Number 114g:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so. PEF further objects to this request to the extent it seeks Duke Energy costs recorded prior to closing of the merger, as those costs are irrelevant to the issues to be decided in this proceeding and the request for this information is not reasonably calculated to lead to the discovery of relevant information.

OPC Interrogatory Number 114h:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 115a:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 115b:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 115c:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so. PEF further objects to this request to the extent it seeks Duke Energy costs recorded prior to closing of the merger, as those costs are irrelevant to the issues to be decided in this proceeding and the request for this information is not reasonably calculated to lead to the discovery of relevant information.

OPC Interrogatory Number 115d:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so. PEF further objects to this request to the extent it seeks Duke Energy costs recorded prior to closing of the merger, as those costs are irrelevant to the issues to be decided in this proceeding and the request for this information is not reasonably calculated to lead to the discovery of relevant information.

OPC Interrogatory Number 115e:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it is redundant of previous interrogatories and PEF, therefore, incorporates by reference its general and specific objections to the previous interrogatories.

OPC Interrogatory Number 116a:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 116b:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 116c:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 116d:

SPECIFIC OBJECTION: PEF objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 120a:

SPECIFIC OBJECTION: PEF objects to this request as overly burdensome. PEF contracted with several outside engineering services companies as a result of the CR3 outage that

provided contract employees. The monthly invoices for these services from the engineering service companies over the three year period of time identified in the interrogatory are hundreds of pages and it would require significant time and expense to review each invoice to determine the number of contract “engineering services” employees. Because the requested information can be derived or ascertained from PEF’s records and the burden of deriving or ascertaining the information is substantially the same for OPC as it would be for PEF, pursuant to Fla. R. Civ. P. 1.340(c), PEF will produce these invoices upon OPC’s request and at OPC’s expense for inspection or copying. To the extent that PEF directly contracted with responsive employees, responsive information will be provided.

OPC Interrogatory Number 120b:

SPECIFIC OBJECTION: PEF incorporates its specific objection to OPC interrogatory number 120a to the extent that it is applicable to OPC interrogatory number 120b. PEF further objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 120c:

SPECIFIC OBJECTION: PEF incorporates its specific objection to OPC interrogatory number 120a to the extent that it is applicable to OPC interrogatory number 120c. PEF further objects to this interrogatory to the extent it calls for PEF to create information that does not otherwise exists, as the Rules of Civil Procedure and applicable law do not require PEF to do so.

OPC Interrogatory Number 122:

SPECIFIC OBJECTION: PEF objects to this request because it seeks information that is irrelevant to the issues in phases 2 and 3 of this docket under the Stipulation and Settlement Agreement approved in Commission Order No. PSC-12-0104-FOF-EI and it is not reasonably calculated to lead to the discovery of admissible evidence.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 3rd day of April, 2013.

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