

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Nuclear Cost Recovery Clause.

Docket No. 130009-EI  
Submitted for Filing: July 8, 2013

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**DUKE ENERGY FLORIDA, INC.'S OBJECTIONS TO  
STAFF'S SIXTH SET OF INTERROGATORIES (NOS. 25-46)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rules 1.340 and 1.280 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure, Order No. PSC-13-0063-PCO-EI, issued January 29, 2013, as revised by Order No. PSC-13-0301-PCO-EI (the "Order"), in this matter, Duke Energy Florida, Inc. ("DEF") serves its objections to the Florida Public Service Commission Staff's ("Staff") Sixth Set of Interrogatories (Nos. 25-46), and states as follows:

**GENERAL OBJECTIONS**

As an initial matter, DEF generally objects to all of these interrogatories as untimely pursuant to the Order in this docket.

If any interrogatory is to be answered through production of documents pursuant to Florida Rule of Civil Procedure 1.340(c), DEF will make responsive documents available for inspection and copying at the offices of DEF, 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 DEF and Staff for purposes of inspection, copying, or handling of the responsive documents.

Additionally, DEF will not provide information or 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 in response to these interrogatories. DEF will provide a privilege log in accordance with applicable law or as may be agreed to by the parties to the extent, if at all, that any interrogatory calls for the production of privileged or protected information or documents.

Further, in certain circumstances, DEF 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, DEF 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. DEF 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.

Furthermore, DEF objects to any interrogatory that calls for DEF to create documents or information that it otherwise does not have because there is no such requirement under applicable law.

To the extent that these Interrogatories seek to impose requirements on the responses to the Interrogatories beyond the requirements of the Florida Rules of Civil Procedure, DEF will respond to all Staff's Interrogatories consistent with the requirements of the Florida Rules of Civil Procedure, and not some inconsistent or additional requirement.

By making these general objections at this time, DEF does not waive or relinquish its right to assert additional general and specific objections to Staff's discovery at the time DEF's response is due under the Florida Rules of Civil Procedure and the Order.

### **SPECIFIC OBJECTIONS**

#### **Staff Interrogatory No. 27:**

DEF objects to this interrogatory because it is untimely pursuant to the Order in this docket. Pursuant to the Order, discovery shall be completed by July 12. Staff's interrogatories were served on June 26, 2013. Under the Order, DEF has twenty (20) days to respond, making its response due after the discovery cut off deadline of July 12.

DEF also objects to this interrogatory to the extent it requests DEF to create documents and perform calculations or comparisons that DEF does not have an obligation to create and that

DEF has not and would not otherwise create or perform at this time. In addition, DEF objects to this interrogatory as irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence.

**Staff Interrogatory No. 31:**

DEF objects to this interrogatory because it is untimely pursuant to the Order in this docket. Pursuant to the Order, discovery shall be completed by July 12. Staff's interrogatories were served on June 26, 2013. Under the Order, DEF has twenty (20) days to respond, making its response due after the discovery cut off deadline of July 12.

DEF also objects to this interrogatory to the extent it requests DEF to create documents and perform calculations or comparisons that DEF does not have an obligation to create and that DEF has not and would not otherwise create or perform at this time. In addition, DEF objects to this interrogatory as irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence.

**Staff Interrogatory No. 32:**

DEF objects to this interrogatory because it is untimely pursuant to the Order in this docket. Pursuant to the Order, discovery shall be completed by July 12. Staff's interrogatories were served on June 26, 2013. Under the Order, DEF has twenty (20) days to respond, making its response due after the discovery cut off deadline of July 12.

DEF also objects to this interrogatory to the extent it requests DEF to create documents and perform calculations or comparisons that DEF does not have an obligation to create and that DEF has not and would not otherwise create or perform at this time. In addition, DEF objects to this interrogatory as irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence.

**Staff Interrogatory No. 33:**

DEF objects to this interrogatory because it is untimely pursuant to the Order in this docket. Pursuant to the Order, discovery shall be completed by July 12. Staff's interrogatories were served on June 26, 2013. Under the Order, DEF has twenty (20) days to respond, making its response due after the discovery cut off deadline of July 12.

DEF also objects to this interrogatory to the extent it requests DEF to create documents and perform calculations or comparisons that DEF does not have an obligation to create and that DEF has not and would not otherwise create or perform at this time. In addition, DEF objects to this interrogatory as irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence.

**Staff Interrogatory No. 36:**

DEF objects to this interrogatory because it is untimely pursuant to the Order in this docket. Pursuant to the Order, discovery shall be completed by July 12. Staff's interrogatories were served on June 26, 2013. Under the Order, DEF has twenty (20) days to respond, making its response due after the discovery cut off deadline of July 12.

DEF also objects to this interrogatory to the extent it requests DEF to create documents and perform calculations or comparisons that DEF does not have an obligation to create and that DEF has not and would not otherwise create or perform at this time. In addition, DEF objects to this interrogatory as irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence.

**Staff Interrogatory No. 37:**

DEF objects to this interrogatory because it is untimely pursuant to the Order in this docket. Pursuant to the Order, discovery shall be completed by July 12. Staff's interrogatories were served on June 26, 2013. Under the Order, DEF has twenty (20) days to respond, making its response due after the discovery cut off deadline of July 12.

DEF also objects to this interrogatory to the extent it requests DEF to create documents and perform calculations or comparisons that DEF does not have an obligation to create and that DEF has not and would not otherwise create or perform at this time. In addition, DEF objects to this interrogatory as irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence.

**Staff Interrogatory No. 38:**

DEF objects to this interrogatory because it is untimely pursuant to the Order in this docket. Pursuant to the Order, discovery shall be completed by July 12. Staff's interrogatories were served on June 26, 2013. Under the Order, DEF has twenty (20) days to respond, making its response due after the discovery cut off deadline of July 12.

DEF also objects to this interrogatory because it is irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence based on the subject matter of the question which is explored in other PSC dockets and because it is overbroad based on the time frame requested.

Subject to and without waiving the foregoing general and specific objections, DEF will provide a reasonable response.

**Staff Interrogatory No. 39:**

DEF objects to this interrogatory because it is untimely pursuant to the Order in this docket. Pursuant to the Order, discovery shall be completed by July 12. Staff's interrogatories were served

on June 26, 2013. Under the Order, DEF has twenty (20) days to respond, making its response due after the discovery cut off deadline of July 12.

DEF also objects to this interrogatory to the extent it requests DEF to create documents and perform calculations or comparisons that DEF does not have an obligation to create and that DEF has not and would not otherwise create or perform at this time. In addition, DEF objects to this interrogatory as irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence.

**Staff Interrogatory No. 43:**

DEF objects to this interrogatory because it is untimely pursuant to the Order in this docket. Pursuant to the Order, discovery shall be completed by July 12. Staff's interrogatories were served on June 26, 2013. Under the Order, DEF has twenty (20) days to respond, making its response due after the discovery cut off deadline of July 12.

DEF also objects to this interrogatory to the extent it requests DEF to create documents and perform calculations or comparisons that DEF does not have an obligation to create and that DEF has not and would not otherwise create or perform at this time. In addition, DEF objects to this interrogatory as irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence.

Respectfully submitted,



John T. Burnett  
Deputy General Counsel  
Dianne M. Triplett  
Associate General Counsel  
Matthew R. Bernier  
Associate General Counsel  
DUKE ENERGY FLORIDA, INC.  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
Telephone: (727) 820-5587  
Facsimile: (727) 820-5519

James Michael Walls  
Florida Bar No. 0706242  
Blaise N. Gamba  
Florida Bar No. 0027942  
CARLTON FIELDS, P.A.  
Post Office Box 3239  
Tampa, FL 33601-3239  
Telephone: (813) 223-7000  
Facsimile: (813) 229-4133

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 8th day of July, 2013.

  
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Attorney

Keino Young  
Michael Lawson  
Staff Attorney  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee 32399  
Phone: (850) 413-6218  
Facsimile: (850) 413-6184  
Email: [kyoung@psc.fl.state.us](mailto:kyoung@psc.fl.state.us)  
[mlawson@psc.fl.state.us](mailto:mlawson@psc.fl.state.us)

Charles Rehwinkel  
Associate Counsel  
Erik Sayler  
Associate Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400  
Phone: (850) 488-9330  
Email: [rehwinkel.charles@leg.state.fl.us](mailto:rehwinkel.charles@leg.state.fl.us)  
[Sayler.erik@leg.state.fl.us](mailto:Sayler.erik@leg.state.fl.us)

Jon C. Moyle, Jr.  
Moyle Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301  
Phone: (850) 681-3828  
Fax: (850) 681-8788  
Email: [jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)

James W. Brew  
F. Alvin Taylor  
Brickfield Burchette Ritts & Stone, PC  
1025 Thomas Jefferson St NW  
8th FL West Tower  
Washington, DC 20007-5201  
Phone: (202) 342-0800  
Fax: (202) 342-0807  
Email: [jbrew@bbrslaw.com](mailto:jbrew@bbrslaw.com)  
[ataylor@bbrslaw.com](mailto:ataylor@bbrslaw.com)

Paul Lewis, Jr.  
Matthew R. Bernier  
Duke Energy Florida, Inc.  
106 East College Avenue, Ste. 800  
Tallahassee, FL 32301-7740  
Phone: (850) 222-8738  
Facsimile: (850) 222-9768  
Email: [paul.lewisjr@duke-energy.com](mailto:paul.lewisjr@duke-energy.com)  
Email: [matthew.bernier@duke-energy.com](mailto:matthew.bernier@duke-energy.com)

Florida Power & Light Company  
Jessica A. Cano/Bryan S. Anderson  
700 Universe Boulevard  
Juno Beach, FL 33408  
Phone: 561-304-5226  
Facsimile: 561-691-7135  
Email: [Jessica.Cano@fpl.com](mailto:Jessica.Cano@fpl.com)

George Cavros  
Southern Alliance for Clean Energy  
120 E. Oakland Park Blvd, Ste. 105  
Fort Lauderdale, FL 33334  
Phone: (954) 295-5714  
FAX: (866) 924-2824  
Email: [george@cavros-law.com](mailto:george@cavros-law.com)

Kenneth Hoffman  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1858  
Phone: 850-521-3919/FAX: 850 521-3939  
Email: [Ken.Hoffman@fpl.com](mailto:Ken.Hoffman@fpl.com)

Robert Scheffel Wright  
John T. LaVia, III  
Gardner Bist Wiener Wadsworth Bowden  
Bush Dee LaVia & Wright, P.A.  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
Phone: (850) 385-0070  
Email: [Schef@gbwlegal.com](mailto:Schef@gbwlegal.com)  
[Jlavia@gbwlegal.com](mailto:Jlavia@gbwlegal.com)