

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission review of numeric  
Conservation goals (Duke Energy  
Florida, Inc.)

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Docket No. 130200-EI  
Filed: March 26, 2014

**DEF'S OBJECTIONS TO SIERRA CLUB'S  
FIRST SET OF INTERROGATORIES (NOS. 1 – 26)**

Pursuant to Fla. Admin. Code R. 28-106.206, and Rule 1.340 of the Florida Rules of Civil Procedure, Duke Energy Florida, Inc. (“DEF”) hereby serves its objections to Sierra Club’s First Set of Interrogatories (Nos. 1-26) to Duke Energy Florida, Inc., and states as follows:

**GENERAL OBJECTIONS**

With respect to the “Definitions” and “Instructions” in Sierra Club’s First Set of Interrogatories (Nos. 1-26) to Duke Energy Florida, Inc., DEF objects to any definitions or instructions that are inconsistent with DEF’s discovery obligations under applicable rules. If some question arises as to DEF’s discovery obligations, DEF will comply with applicable rules and not with any of Sierra Club’s definitions or instructions that are inconsistent with those rules.

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

DEF objects to any definition or interrogatory that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

DEF also objects to any Interrogatory or Request for Production that purports to require DEF or its experts to prepare studies, analyses, or to do work for Sierra Club that has not been

done for DEF, presumably at DEF's cost.

Additionally, DEF generally objects to Sierra Club's First Set of Interrogatories (Nos. 1-26) to DEF, 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.

DEF also objects to any attempt by Sierra Club to evade the numerical limitations set on interrogatories in the Order Establishing Procedure by asking multiple independent questions within single individual questions and subparts.

Finally, DEF reserves the right to supplement any of its responses to Sierra Club if DEF cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if DEF later discovers additional responsive information in the course of this proceeding. Notwithstanding this reservation of right, DEF objects to the Sierra Club's instruction 2, as such a requirement is contrary to the requirements under the Florida Rules of Civil Procedure.

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

### **SPECIFIC OBJECTIONS**

REQUEST SC 1-1: DEF objects to this interrogatory as irrelevant to the issues in this proceeding and not reasonably likely to lead to the discovery of relevant evidence. DEF further objects to this interrogatory to the extent it requests information from 2008 – 2012, as such timeframe is not relevant to the issues in this proceeding. Subject to these objections, and without waiving said objections, and without waiving the right to challenge the admissibility of

the information at the hearing for this proceeding, DEF will provide the information to the extent it is available.

REQUEST SC 1-2: DEF objects to this interrogatory as irrelevant to the issues in this proceeding and not reasonably likely to lead to the discovery of relevant evidence. DEF further objects to this interrogatory to the extent it requests information from 2012-2025 (as opposed to 2014-2025) as such timeframe is not relevant to the issues in this proceeding. Subject to these objections, and without waiving said objections, and without waiving the right to challenge the admissibility of the information at the hearing for this proceeding, DEF will provide the information to the extent it is available.

REQUEST SC 1-3: DEF objects to this interrogatory because the term “DSM programs” is ambiguous. DEF assumes that this interrogatory is referring to the programs that DEF intends to demonstrate and use for the basis of its goal recommendation in its upcoming April 2 filing and will answer the question, if it can, accordingly.

REQUEST SC 1-4: DEF objects to this interrogatory because the term “DSM programs” is ambiguous. DEF assumes that this interrogatory is referring to the programs that DEF intends to demonstrate and use for the basis of its goal recommendation in its upcoming April 2 filing and will answer the question, if it can, accordingly.

REQUEST SC 1-7: DEF objects to this interrogatory to the extent it purports to require DEF to prepare studies, analyses, or to do work for Sierra Club that has not been done for DEF (namely, to perform the Utility Cost Test), presumably at DEF's cost.

REQUEST SC 1-8: DEF objects to this interrogatory because it purports to require DEF to prepare studies, analyses, or to do work for Sierra Club that has not been done for DEF, presumably at DEF's cost.

REQUEST SC 1-9: DEF objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about DEF affiliates, sister subsidiaries, or parent company that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of DEF as the party to this proceeding. DEF further objects to interrogatory number 1-9 because the requested information for DEF affiliates, sister subsidiaries, or parent company is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding. DEF, accordingly, will respond to interrogatories only on behalf of DEF and not on behalf of persons or entities that are not parties to this proceeding.

REQUEST SC 1-10: DEF objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about DEF affiliates, sister subsidiaries, or parent company that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of DEF as the party to this proceeding. DEF further

objects to interrogatory number 1-10 because the requested information for DEF affiliates, sister subsidiaries, or parent company is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding. DEF, accordingly, will respond to interrogatories only on behalf of DEF and not on behalf of persons or entities that are not parties to this proceeding.

REQUEST SC 1-11: DEF objects to this interrogatory because the term “DSM programs” is ambiguous. DEF assumes that this interrogatory is referring to the programs that DEF intends to demonstrate and use for the basis of its goal recommendation in its upcoming April 2 filing and will answer the question, if it can, accordingly.

REQUEST SC 1-12: DEF objects to this interrogatory because the term “DSM programs” is ambiguous. DEF assumes that this interrogatory is referring to the programs that DEF intends to demonstrate and use for the basis of its goal recommendation in its upcoming April 2 filing and will answer the question, if it can, accordingly.

REQUEST SC 1-14: DEF objects to this interrogatory because it purports to require DEF to prepare studies, analyses, or to do work for Sierra Club that has not been done for DEF, presumably at DEF’s cost.

REQUEST SC 1-15: DEF objects to this interrogatory to the extent it purports to require DEF to prepare studies, analyses, or to do work for Sierra Club that has not been done for DEF (namely, to perform the Utility Cost Test), presumably at DEF’s cost.

REQUEST SC 1-16: DEF objects to term “comprehensive analyses” as vague and ambiguous.

REQUEST SC 1-17: DEF objects to this interrogatory to the extent it requests documents, as such a request is more appropriately made in a request for production. Pursuant to Rule 1.340(c), DEF will produce responsive documents, if any.

REQUEST SC 1-18: DEF objects to this interrogatory to the extent it requests documents, as such a request is more appropriately made in a request for production. Pursuant to Rule 1.340(c), DEF will produce responsive documents, if any.

REQUEST SC 1-19: DEF objects to this interrogatory as irrelevant and not likely to lead to the discovery of relevant evidence. In particular, to the extent it requests information about a program separate from the DSM Plan, such information is necessarily beyond the scope of this proceeding. Subject to and without waiving said objection, DEF will provide a response to the remaining portion of this question.

REQUEST SC 1-20: DEF objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about DEF affiliates, sister subsidiaries, or parent company that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of DEF as the party to this proceeding. DEF further objects to interrogatory number 1-20 because the requested information for DEF affiliates, sister subsidiaries, or parent company is irrelevant and is not calculated to lead to the discovery of

admissible evidence in this proceeding. DEF, accordingly, will respond to interrogatories only on behalf of DEF and not on behalf of persons or entities that are not parties to this proceeding.

REQUEST SC 1-21: DEF objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about DEF affiliates, sister subsidiaries, or parent company that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of DEF as the party to this proceeding. DEF further objects to interrogatory number 1-21 because the requested information for DEF affiliates, sister subsidiaries, or parent company is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding. DEF, accordingly, will respond to interrogatories only on behalf of DEF and not on behalf of persons or entities that are not parties to this proceeding.

REQUEST SC 1-22: DEF objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about DEF affiliates, sister subsidiaries, or parent company that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of DEF as the party to this proceeding. DEF further objects to interrogatory number 1-22 because the requested information for DEF affiliates, sister subsidiaries, or parent company is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding. DEF, accordingly, will respond to interrogatories only on behalf of DEF and not on behalf of persons or entities that are not parties to this proceeding.

REQUEST SC 1-23: DEF objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about DEF affiliates, sister subsidiaries, or parent company that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of DEF as the party to this proceeding. DEF further objects to interrogatory number 1-23 because the requested information for DEF affiliates, sister subsidiaries, or parent company is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding. DEF, accordingly, will respond to interrogatories only on behalf of DEF and not on behalf of persons or entities that are not parties to this proceeding.

REQUEST SC 1-24: DEF objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about DEF affiliates, sister subsidiaries, or parent company that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of DEF as the party to this proceeding. DEF further objects to interrogatory number 1-24 because the requested information for DEF affiliates, sister subsidiaries, or parent company is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding. DEF, accordingly, will respond to interrogatories only on behalf of DEF and not on behalf of persons or entities that are not parties to this proceeding.

REQUEST SC 1-25: DEF objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about DEF affiliates, sister subsidiaries, or parent

company that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of DEF as the party to this proceeding. DEF further objects to interrogatory number 1-25 because the requested information for DEF affiliates, sister subsidiaries, or parent company is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding. DEF, accordingly, will respond to interrogatories only on behalf of DEF and not on behalf of persons or entities that are not parties to this proceeding.

REQUEST SC 1-26: DEF objects to this interrogatory because the interrogatory exceeds the proper scope of the Commission's inquiry about utility affiliates and the proper scope of discovery by calling for information from and about DEF affiliates, sister subsidiaries, or parent company that are not parties to this proceeding. The scope of discovery is limited to information within the possession, custody, or control of DEF as the party to this proceeding. DEF further objects to interrogatory number 1-26 because the requested information for DEF affiliates, sister subsidiaries, or parent company is irrelevant and is not calculated to lead to the discovery of admissible evidence in this proceeding. DEF, accordingly, will respond to interrogatories only on behalf of DEF and not on behalf of persons or entities that are not parties to this proceeding.

s/Matthew R. Bernier  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on the following via electronic mail this 26<sup>th</sup> day of March, 2014.

s/Matthew R. Bernier  
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