

**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 DOCUMENT PRODUCTION REQUEST (NO. 1)**

Pursuant to Fla. Admin. Code R. 28-106.206, and Rule 1.350 of the Florida Rules of Civil Procedure, Duke Energy Florida, Inc. ("DEF") hereby serves its objections to Sierra Club's First Document Production Request (No. 1) to Duke Energy Florida, Inc., and states as follows:

**GENERAL OBJECTIONS**

With respect to the "Definitions" and "Instructions" in Sierra Club's First Document Production Request (No. 1) 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.

DEF generally objects to Sierra Club's requests 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. DEF 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, DEF may determine upon investigation and analysis that documents responsive to certain requests 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.

DEF also generally objects to Sierra Club's First Document Production Request 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. DEF 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, DEF reserves the right to supplement any of its responses to Sierra Club's requests for production if DEF cannot produce documents immediately due to their magnitude and the work required aggregating them, or if DEF later discovers additional responsive documents in the course of this proceeding. Notwithstanding the foregoing, DEF objects to Sierra Club's Instruction number 3, as there is no requirement under the applicable rules or law to provide continuing discovery responses.

In addition, DEF objects to Sierra Club's Instructions and Definitions, in particular Sierra Club's Instructions Numbers 4 and 5, to the extent they seek to encompass documents or information from persons or entities other than DEF 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 DEF's possession, custody, or control. DEF objects to any Instruction or Request to Produce that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

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

Finally, DEF objects to Sierra Club's Instruction Number 2 as overbroad, because the Order Establishing Procedure in this docket has set the applicable response time at 30 days.

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 under the Florida Rules of Civil Procedure.

### **SPECIFIC OBJECTIONS**

DOCUMENTS REQUESTED SC 1-1: DEF hereby incorporates as if fully set forth herein its general and specific objections to Sierra Club's First Set of Interrogatories (Nos. 1-26), filed in this docket on March 26, 2014.

Respectfully submitted this 26<sup>th</sup> day of March, 2014.

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  
Attorney

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