

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination)
of Cost Effective Generation Alternative) DOCKET NO. 140111-EI
to Meet Need Prior to 2018 for Duke) Submitted for filing: July 7, 2014
Energy Florida, Inc.)
_____)

**DUKE ENERGY FLORIDA, INC.’S OBJECTIONS TO
STAFF’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
(NOS. 1-11)**

Pursuant to Florida Administrative Code Rule 28-106.206, Rules 1.350 and 1.280 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure, Order No. PSC-14-0275-PCO-EI, issued May 29, 2014, as amended, (the “Order”) in this matter, Duke Energy Florida, Inc. (“DEF”) serves its objections to the Staff of the Florida Public Service Commission (“Staff”) First Request for Production of Documents (Nos. 1-11) (the “Document Request”) and states as follows:

GENERAL OBJECTIONS

With respect to the “Definitions” in the Document Request:

DEF generally objects to the Document Request to the extent that it 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 request calls for the production of privileged or protected documents or information. Moreover, DEF will include in its privilege log only the information required by Florida law and not some inconsistent and additional requirement under the Instructions and Definitions.

Further, in certain circumstances, DEF may determine upon investigation and analysis that responsive documents 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 objects to the Document Requests to the extent they request DEF to create new information or provide information in a format that is different from the format in which the information is kept in the regular course of business.

DEF also generally objects to the Document Request to the extent that it calls for the production of “all” documents or information of any nature, including, every copy of every document responsive to the requests. DEF objects to the definition of the term “document” as overbroad and not reasonably calculated to lead to the discovery of admissible evidence. DEF will make a good faith, reasonably diligent attempt to identify and obtain responsive documents or information in its possession, custody, or control when no objection has been asserted, but it is not practicable or even possible to identify, obtain, and produce “all” information or documents. In addition, DEF reserves the right to supplement any of its responses to the Document Request if DEF cannot respond immediately due to their magnitude and the work required aggregating them, or if DEF later discovers additional responsive information or documents in the course of this proceeding.

DEF further objects to the Instructions and Definitions to the extent that they seek to impose requirements on the responses to the Document Requests beyond the requirements of the Florida Rules of Civil Procedure. DEF will respond to the Document Request consistent with the requirements of the Florida Rules of Civil Procedure, and not some inconsistent and additional requirement under the Instructions and Definitions.

SPECIFIC OBJECTIONS

Request 11: DEF objects to this Request as vague, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence in this docket as phrased. Subject to this objection, DEF will produce information that is requested in Staff’s Interrogatories and that is used to prepare DEF’s responses to Staff’s Interrogatories.

Respectfully submitted this 7th day of July, 2014.

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

/s/ Blaise N. Gamba
James Michael Walls
Florida Bar No. 0706242
Blaise N. Gamba
Florida Bar No. 0027942
CARLTON FIELDS JORDEN BURT, 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 mail this 7th day of July, 2014.

/s/ Blaise N. Gamba
Attorney

Michael Lawson
Florida Public Service Commission Staff
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Phone: (850) 413-6199
Facsimile: (850) 413-6184
Email: mlawson@psc.state.fl.us

Charles Rehwinkel
Deputy Public Counsel
Erik Sayler
Associate Public 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
Sayler.erik@leg.state.fl.us

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
Phone: (850) 681-3828
Fax: (850) 681-8788
Email: jmoyle@moylelaw.com
kputnal@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
ataylor@bbrslaw.com

Robert Scheffel Wright
John T. LaVia, III
Gardner Law Firm
35394744.1

Marsha E. Rule
Rutledge Ecenia, P.A.
119 South Monroe, Ste. 202

1300 Thomaswood Drive
Tallahassee, FL 32308
Phone: (850) 385-0070
Email: Schef@gbwlegal.com
Jlavia@gbwlegal.com

Richard A. Zambo
Richard A. Zambo, P.A.
2336 S.E. Ocean Boulevard, #309
Stuart, FL 34966
Phone: (772) 225-5400
Email: richzambo@aol.com

Tallahassee, FL 32301
Phone: (850) 681-6788
Fax: (850) 681-6515
Email: marsha@rutledge-ecenia.com

Gordon D. Polozola
NRG Energy, Inc.
112 Telly Street
New Roads, LA 70760
Phone: (225) 618-4084
Email: Gordon.Polozola@nrgenergy.com