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090002-EG

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Subject: Docket 090002-EG Filing PEF's Objections to FIPUG's 1st Set of Interrogatories
Attachments: PEF's Objections to FIPUG's 1st ROGs.pdf

This electronic filing is made by:

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Docket: 090002-EG

In re: Energy conservation cost recovery clause

On behalf of Progress Energy Florida

Consisting of 4 pages

The attached document for filing is PEF's Objections to FIPUG's 1st Set of Interrogatories

9/30/2009

DOCUMENT NUMBER - DATE
10066 SEP 30 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost
recovery clause.

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Docket No. 090002-EG

Filed: September 30, 2009

**PEF'S OBJECTIONS TO FLORIDA INDUSTRIAL POWER USER GROUP'S
FIRST SET OF INTERROGATORIES (Nos. 1-3)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, Progress Energy Florida, Inc. ("PEF") hereby serves its objections to The Florida Industrial Power User Group's ("FIPUG") First Set of Interrogatories (Nos. 1-3) and states as follows:

GENERAL OBJECTIONS

With respect to the "Definitions" in FIPUG's First Set of Interrogatories, PEF objects to any definitions or instructions that are inconsistent with PEF's discovery obligations under applicable rules. If some question arises as to PEF's discovery obligations, PEF will comply with applicable rules and not with any of FIPUG's definitions or instructions that are inconsistent with those rules. Furthermore, PEF objects to any interrogatory that calls for PEF to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

PEF 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.

PEF also objects to any Interrogatory or Request for Production that purports to

require PEF or its experts to prepare studies, analyses, or to do work for FIPUG that has not been done for PEF, presumably at PEF's cost.

Additionally, PEF generally objects to FIPUG's first interrogatories 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.

PEF also objects to any attempt by FIPUG 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, PEF reserves the right to supplement any of its responses to FIPUG's first interrogatories if PEF cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if PEF later discovers additional responsive information in the course of this proceeding.

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

SPECIFIC OBJECTIONS

Interrogatory 2: PEF objects to this interrogatory to the extent it asks PEF to do work or perform analyses for FIPUG, presumably at PEF's expense, where such work or analyses may not have been previously done for PEF.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic and U.S. Mail this 30th day of September, 2009 to all parties of record as indicated below.


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