

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In re: Joint Petition for Determination) Docket No. 900709-EQ
of Need for Proposed Electrical Power)
Plant and Related Facilities,)
Indiantown Project, by Florida Power)
and Light and Indiantown Cogeneration,)
L. P.)

In re: Petition for Approval of) Docket No. 900731-EQ
Cogeneration Agreement Between)
Florida Power and Light Company)
and Indiantown Cogeneration, L. P.)

In re: Petition of Florida Power and) Docket No. 900796-EI
Light Company for Inclusion of the)
Scherer Unit No. 4 Purchase in Rate)
Base, Including an Acquisition)
Adjustment)

FLORIDA POWER & LIGHT COMPANY'S RESPONSE AND
OBJECTIONS TO NOTICE OF DEPOSITION DUCES TECUM

Florida Power & Light Company ("FPL") files its response and objections to Nassau Power Corporation's ("Nassau") Notice of Deposition Duces Tecum. Late in the day on November 27, 1990, Nassau sent by facsimile a notice of deposition duces tecum, noticing the November 30, 1990 deposition of S. S. Waters. The notice requested eighteen (18) categories of documents to be produced in three (3) different dockets. This is FPL's response and objections to Nassau's document request:

GENERAL OBJECTIONS

FPL objects to the broad "all documents" requests as being unnecessarily onerous and burdensome in the time allowed for production. Although counsel provided advance oral notice of the scheduling of the deposition, no oral notice of the scope of the

DOCUMENT NUMBER-DATE

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documents to be requested was given. FPL has undertaken to provide materials that are responsive to the requests made, but objects to having to produce all documents (which would include all copies) that are potentially responsive on the ground of undue burden.

Several of the document requests would include the production of materials supplied to FPL by Energy Management Associates ("EMA") which are proprietary to EMA. In particular, several request include PROSCREEN runs. Each of these runs has some formatted inputs that EMA maintains is proprietary and FPL has an obligation not to disclose. FPL will provide the parts of PROSCREEN runs which are not proprietary, but objects to providing the formatted inputs. With more time the runs could have been rerun to purge the proprietary information, but sufficient time is no longer reasonably available.

SPECIFIC RESPONSES AND OBJECTIONS

1. The documents will be produced, subject to the first general objection.

2. The documents will be produced subject to the first general objection.

3. The documents will be produced subject to the first general objection.

4. FPL will produce Appendix D; Fuel Price Forecast Methodology And Results to Florida Power & Light Company's Petition To Determine Need For Electrical Power Plant 1993-1996 (Revised November, 1989). This document is an extensive summary and explanation of FPL's Fuel forecast referred to and used by Mr.

Waters. It is part of the Exhibit 1 to FPL's and ICL's joint petition to determine need in Document No. 900709-EQ. FPL objects to the production of any further documents as being unnecessary and the request being unduly burdensome.

5. The documents will be produced subject to the first general objection.

6. The documents will be produced subject to the first general objection.

7. The documents will be produced subject to the first and second general objections. Specifically, applicable PROSCREEN runs without the formatted input pages will be provided, and FPL objects to the provision of the formatted input pages.

8. The documents will be produced subject to the first general objection.

9. The document will be produced.

10. The document supporting Mr. Waters' Document No. 3 is the QF forecast to be provided in response to 9 above; FPL will also provide such other information supporting the QF forecast as is in Mr. Waters' possession and control. However, FPL objects to producing other documents, analyses and workpapers that underly the foecast on the grounds that the production is unduly burdensome and would require the production of documents that are confidential and proprietary to FPL.

11. The documents wil be produced subject to the first general objection.

12. The documents will be produced subject to the first general objection.

13. The documents will be produced subject to the first and second general objections.

14. The documents will be produced.

15. The documents will be produced.

16. The documents will be produced.

17. The documents will be produced subject to the first general objection.

18. The documents will be produced.

Steel Hector & Davis
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Attorneys for Florida Power &
Light Company

BY: John T. Butler
John T. Butler

DATE: 12-3-90

TO: Legal

The attached is sent to you for:

- Your Information
- Further Handling
- Necessary action
- Advice on Handling
- Response

Remarks: 10672-90

Division of Records & Reporting TB
PSC/R&R 9 (3/87)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition of Indiantown Cogeneration, L.P. and Florida Power & Light Company for determination of need for proposed electrical power plant and related facilities - Indiantown project)
Docket No. 900709-EQ)
In re: Approval of cogeneration agreement between Florida Power and Light Company and Indiantown Cogeneration, L. P.)
Docket No. 900731-EQ)
In re: Petition of Florida Power & Light Company for inclusion of the Scherer Unit No. 4 purchase in rate base, including an acquisition adjustment)
Docket No. 900796-EI)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of FPL's Response and Objections to Notice of Deposition Duces Tecum were distributed to counsel for parties of record attending the November 30th, 1990 deposition of S. S. Waters, and that copies have been served by U. S. Mail this 30th day of November, 1990 to the following:

Docket Nos. 900709-EQ and 900731-EQ

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Docket No. 900796-EI

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Charles A. Guyton

M E M O R A N D U M

December 5, 1990

To: Division of Electric and Gas
From: Division of Records and Reporting (Flynn)
Re: ~~Docket No. 900796-ED~~ - Petition of Florida Power and Light
Company for Inclusion of the Scherer Unit 4 Purchase in
Rate Base

FPL has filed answers to Interrogatories 8 and 9 of Staff's First Set of Interrogatories, with Notice of Intent to Request Confidential Classification. No. 8 is DN 10670-90 and No. 9 is DN 10692-90. The Requests for Confidentiality should be filed within 21 days, and a copy will be forwarded to you at that time to aid in preparation of your recommendation on confidentiality.

Attachment
cc: Legal
Appeals