

STEEL
HECTOR
& DAVIS

ORIGINAL

RECEIVED-FPSC

02 FEB 15 AM 10:41

COMMISSION
CLERK

Steel Hector & Davis LLP
200 South Biscayne Boulevard
Miami, Florida 33131-2398
305.577.7000
305.577.7001 Fax
www.steelhector.com

William K. Hill, P.A.
305.577.2823
whill@steelhector.com

February 14, 2002

VIA FEDERAL EXPRESS

02 FEB 15 AM 9:44

DISTRIBUTION CENTER

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, FL 32399-0850

Re: DOCKET NO. 001148-EI

Dear Ms. Bayó:

Enclosed for filing please find the original and fifteen (15) copies of Florida Power & Light Company's Objections To and Requests for Clarification of Public Counsel's Fifth Set of Interrogatories (Nos. 80-107) and Sixth Request for Production of Documents (Nos. 152-182) in the above-referenced docket. An electronic copy is provided on a diskette.

Very truly yours,



William K. Hill, P.A.

WKH:jhs
Enclosure

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH _____

Miami West Palm Beach Tallahassee Naples Key West London Caracas São Paulo Rio de Janeiro Santo Domingo

DOCUMENT NUMBER-DATE

01781 FEB 15 02

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of
Florida Power & Light
Company.)
)
)
)
_____)

Docket No. 001148-EI
Dated: February 14, 2002

**FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS
TO AND REQUESTS FOR CLARIFICATION OF PUBLIC COUNSEL'S
FIFTH SET OF INTERROGATORIES (NOS. 80-107) AND
SIXTH REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 152-182)**

Florida Power & Light Company ("FPL") hereby submits the following objections to and requests for clarification of the Office of Public Counsel's ("OPC") Fifth Set of Interrogatories and Sixth Request for Production of Documents.

I. Preliminary Nature of These Objections

The objections stated herein are preliminary in nature and are made at this time in compliance with the requirement of Order No. PSC-01-2111-PCO-EI that objections be served within ten days of receipt of discovery requests. Should additional grounds for objection be discovered as FPL develops its response, FPL reserves the right to supplement or modify its objections up to the time it serves its responses. Should FPL determine that a protective order is necessary regarding any of the requested information, FPL reserves the right to file a motion with the Commission seeking such an order at the time its response is due.

II. General Objections.

FPL objects to each and every one of the interrogatories and requests for documents that calls for 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, whether such privilege or protection appears at the time response is

DOCUMENT NUMBER-DATE

0178 | FEB 15 2002

first made or is later determined to be applicable for any reason. FPL in no way intends to waive such privilege or protection.

FPL objects to providing information that is proprietary, confidential business information without provisions in place to protect the confidentiality of the information. FPL has not had sufficient time to determine whether the discovery requests call for the disclosure of confidential information. However, if it so determines, it will either file a motion for protective order requesting confidential classification and procedures for protection or take other actions to protect the confidential information requested. FPL in no way intends to waive claims of confidentiality.

FPL is a large corporation with employees located in many different locations. In the course of its business, FPL creates numerous documents that are not subject to Commission's or other governmental record retention requirements. These documents are kept in numerous locations and frequently are moved from site to site as employees change jobs or as business is reorganized. Therefore, it is possible that not every relevant document may have been consulted in developing FPL's response. Rather, FPL's responses will provide all the information that FPL obtained after a reasonable and diligent search conducted in connection with this discovery request. To the extent that the discovery requests propose to require more, FPL objects on the grounds that compliance would impose an undue burden or expense on FPL.

FPL objects to these discovery requests to the extent that they call for the creation of information, rather than the reporting of presently existing information, as purporting to expand FPL's obligation under the law. This objection includes, but is not limited to, interrogatories and requests for production that reference the direct testimony and exhibits of various FPL witnesses, and that seek analyses that have not been performed, or data that have not been collected, in

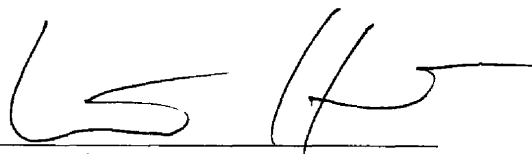
connection with the preparation of the FPL witnesses' testimony. To the extent that they seek such analyses or data, FPL objects to the discovery requests as beyond the scope of proper discovery.

FPL objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available to the OPC through normal procedures.

Respectfully submitted,

R. Wade Litchfield, Esq.
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101

Steel Hector & Davis LLP
Attorneys for Florida Power & Light Company
200 South Biscayne Boulevard
Suite 4000
Miami, Florida 33131-2398
Telephone: 305-577-2939

By: 

William K Hill, P.A.
Fla. Bar No. 747180

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Objections To And Requests For Clarification Of Public Counsel's Fifth Set Of Interrogatories (Nos. 80-107) And Sixth Request For Production Of Documents (Nos. 152-182) has been furnished by United States Mail this 14th day of February, 2002, to the following:

Robert V. Elias, Esq.
Legal Division
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, FL 32399-0850

Florida Industrial Power Users Group
c/o John McWhirter, Jr., Esq.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33601-3350

Thomas A. Cloud, Esq.
Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
Orlando, Florida 32801

J. Roger Howe, Esq.
Office of Public Counsel
c/o Florida Legislature
111 W. Madison Street
Room No. 812
Tallahassee, Florida 32399-1400


Michael B. Twomey, Esq.
Post Office Box 5256
Tallahassee, FL 32314-5256

Andrews & Kurth Law Firm
Mark Sundback/Kenneth Wiseman
1701 Pennsylvania Ave., NW, Suite 300
Washington, DC 20006

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
McWhirter Reeves
117 South Gadsden
Tallahassee, Florida 32301

David Cruthirds, Esq.
Vice President and Regulatory Counsel
Dynergy, Inc.
1000 Louisiana Street, Suite 5800
Houston, Texas 77002-5050

Linda Quick, President
South Florida Hospital & Healthcare Assoc.
6363 Taft Street
Hollywood, Florida 33024

By: 
William K. Hill, P.A.