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March 11, 2002

Ms. Blanca S. Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

HAND DELIVERY

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02 MAR 11 PM 4:17
COMMISSION
CLERK

Re: Docket No. 001148-EI

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Florida Power & Light Company ("FPL") are the original and fifteen copies of FPL's Objections to and Requests for Clarification of the Commission Staff's Eleventh Set of Interrogatories and Request for Production of Documents.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,

Kenneth A. Hoffman

- AUS _____
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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: March 11, 2002

**FLORIDA POWER & LIGHT COMPANY'S
OBJECTIONS TO AND REQUESTS FOR CLARIFICATION OF
THE COMMISSION STAFF'S ELEVENTH SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Florida Power & Light Company ("FPL") hereby submits the following objections to and requests for clarification of the Commission Staff's Eleventh Set of Interrogatories and Request for Production of Documents (the "Staff's Eleventh Request").

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

1. 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 first made or

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FPSC-COMMISSION CLERK

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

2. 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.

3. 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.

4. FPL objects to each Interrogatory and Request that seeks information about, or in the custody of, FPL's affiliates to the extent that such discovery requests exceed the proper scope of the Commission's inquiry about utility affiliates and/or the proper scope of discovery. As noted in FPL's objections to the South Florida Hospital and Healthcare Association's First Set of

Interrogatories and Request for Documents, the jurisdiction of the Commission concerning the parent and affiliates of a utility is limited. See §§366.05(9) and 366.093(1), Fla. Stat. (2000). Moreover, the scope of discovery from a party is limited to documents within the possession, custody or control of that party. See, e.g., *Southern Bell Telephone and Telegraph Co. v. Deason*, 632 So.2d 1377 (Fla. 1994).

5. FPL objects to each Interrogatory and Request to the extent that it seeks information that is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

6. FPL objects to the instructions and to each Interrogatory and Request to the extent that they purport to impose upon FPL obligations that FPL does not have under the law or applicable rules of procedure.

7. FPL objects to the request that responsive documents be produced at the Commission's Tallahassee offices. FPL is required only to produce documents at a reasonable time, place, and manner.

8. FPL objects to the Interrogatories and Requests to the extent that they require FPL to create documents not already in existence.

III. Specific Objections and Requests for Clarification

Interrogatory No. 413. Staff Interrogatory No. 413 asks:

Has FPL funded any portion of the 2001 historical test year or 2002 projected test year accrual for medical/life reserve-active employees and retirees? If so, please identify all Commission orders approving such funding by FPL.

FPL objects and seeks clarification concerning Staff's use of the terms "test year accrual" and "medical/life reserve-active employees and retirees." FPL is unclear as to whether Staff is referring to a specific FERC account or accounts, MFR and/or prior discovery response. FPL needs clarification concerning Staff's intent in the use of these terms to appropriately respond to this Interrogatory.

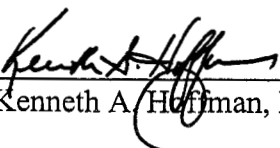
Respectfully submitted,

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- - and - -

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Attorneys for Florida Power & Light Company

By: 
Kenneth A. Hoffman, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Objections to and Request for Clarification of the Commission Staff's Eleventh Set of Interrogatories and Request for Production of Documents has been furnished by United States Mail this 11th day of March, 2002, to the following:

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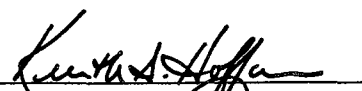
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