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September 9, 2002

VIA HAND DELIVERY

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

RECEIVED  
SEP - 9 2002  
FPSC-COMMISSION CLERK

Re: Docket Nos.: 020262-EI and 020263-EI

Dear Ms. Bayo:

On behalf of Florida Partnership for Affordable Competitive Energy, enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Florida Partnership for Affordable Competitive Energy's Objections to Florida Power & Light Company's First Requests for Production of Documents (Nos. 1-35) 09564-02
- ▶ Florida Partnership for Affordable Competitive Energy's Objections to Florida Power & Light Company's First Set of Interrogatories (Nos. 1-30) 09565-02

Please acknowledge receipt of the above on the extra copy and return the stamped copy to me. Thank you for your assistance.

Sincerely,

  
Joseph A. McGlothlin

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_ JAM/mls  
ECR \_\_\_\_\_ Enclosure  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
MMS \_\_\_\_\_  
SEC \_\_\_\_\_ L  
OTH \_\_\_\_\_

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Florida Power and Light  
Company for a Determination of Need  
For a power plant proposed to be located  
In Martin County

Docket No. 020262-EI

In re: Petition of Florida Power and Light  
Company for a Determination of Need  
For a power plant proposed to be located  
In Manatee County

Docket No. 020263-EI

Filed: September 9, 2002

**FLORIDA PARTNERSHIP FOR AFFORDABLE COMPETITIVE ENERGY'S  
OBJECTIONS TO FLORIDA POWER & LIGHT COMPANY'S FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 1 - 35)**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Florida Partnership for Affordable Competitive Energy ("PACE") Objects to Florida Power & Light Company's ("FPL") First Set of Requests for Production of Documents and states as follows:

**General Objections**

1. PACE objects to any request that calls for the production of 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, whether such privilege or protection appears at the time the response is first made to these requests or is later determined to be applicable based on the discovery of documents, investigation or analysis. PACE in no way intends to waive any such privilege or protection.

2. In certain circumstances, PACE may determine upon investigation and analysis that documents that respond to certain requests to which objections are not otherwise asserted are confidential and proprietary and should not be produced or should be produced only under an appropriate confidentiality agreement and protective order. By agreeing to produce documents in response to this request, PACE is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. PACE hereby

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FPSC-COMMISSION CLERK

asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

3. PACE objects to these definitions and instructions to the extent they purport to require PACE to provide documents or other information on diskette. PACE will entertain specific request to product electronic copies of documents that so exist in the normal course of business in a format designed to preserve the integrity of these documents.

4. PACE objects to these requests to the extent they purport to require PACE to prepare information or documents or perform calculations that PACE has not prepared or performed in the normal course of business as an attempt to expand PACE's obligations under applicable law. PACE will comply with applicable law.

5. PACE further objects to these requests and any definitions or instructions that purport to expand PACE's obligations under applicable law. PACE will comply with applicable law.

6. PACE objects to any request that requires the production of "all" or "each" responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be found. Indeed, it may well be impossible to assure compliance with the exercise of reasonable diligence.

7. PACE incorporates by reference all of the foregoing general objections into each of its specific objections set forth below as though pleaded therein.

### **Specific Objections**

#### **Request for Production Nos. 2, 3, 4 and 5**

8. Request for Production No. 2 states:

Please provide a list of the exact current membership of PACE.

Request for Production No. 3 states:

Please provide a list of PACE members who are currently parties in these

proceedings.

Request for Production No. 4 states:

Please provide a list of PACE members who are no longer intervenors in these proceedings.

Request for Production No. 5 states:

Please provide a list of those PACE members who participated as bidders in FPL's Supplemental RFP.

PACE objects to these requests in that they ask PACE to prepare and provide several lists. PACE objects to these requests in that they are phrased in interrogatory form, and therefore it is inappropriate to file them as requests for production. PACE further objects that this request is repetitive and duplicative as the same information sought by these requests is sought in FPL's First Set of Interrogatories.

**Request for Production No. 6**

9. Request for Production No. 6 states:

Please provide all documents relevant to whether PACE is financially assisting any intervenor in these proceedings.

PACE objects to this request as irrelevant, annoying, intrusive, harassing and not calculated to lead to the discovery of admissible evidence.

**Request for Production No. 7**

10. Request for Production No. 7 states:

Please provide all documents related to the following sources of funding for PACE: (a) general funding and (b) funding for PACE's intervention in these proceedings.

PACE objects to this request as irrelevant, annoying, intrusive, harassing and not calculated to lead to the discovery of admissible evidence.

**Request for Production No. 8**

11. Request for Production No. 8 states:

Please provide all documents showing the approximate percentage of PACE's budget that is contributed by each of PACE's funding sources.

PACE objects to this request as irrelevant, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence.

**Request for Production No. 10**

12. Request for Production No. 10 states:

Please provide all documents relating to the history of PACE's involvement in the PSC's proceedings and in other types of regulatory proceedings.

PACE objects to this request as irrelevant, overbroad, unduly burdensome, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence.

**Request for Production No. 11**

13. Request for Production No. 11 states:

Please provide copies of newsletters or other information materials sent to PACE members, including any such materials that address these proceedings or the determination of need proceedings of any other Florida utility.

PACE objects to this request as irrelevant, overbroad, unduly burdensome, annoying, intrusive, harassing and not calculated to lead to the discovery of admissible evidence. Further, PACE objects to this request to the extent it seeks materials protected by the attorney-client and work product privileges.

**Request for Production No. 12**

14. Request for Production No. 12 states:

Please provide all documents relating to a vote, discussion or approval, by PACE Members, of PACE's decision to petition to intervene in these proceedings.

PACE objects to this request to the extent it seeks materials protected by the attorney-client and work product privileges.

**Request for Production No. 13**

15. Request for Production No. 13 states:

Please provide all documents relating to all communications between (a) PACE and any other party or former party of these proceedings, (b) PACE and the PSC in connection with these proceedings and (c) PACE and any of its members regarding these proceedings.

PACE objects to this request as irrelevant, overbroad, unduly burdensome, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence. Further, PACE objects to this request to the extent it seeks materials protected by the attorney-client and work product privileges.

**Request for Production No. 14**

16. Request for Production No. 14 states:

Please provide a list of the officers of PACE and all documents relating to the selection process for those officers for the last three years.

PACE objects to this request as irrelevant, overbroad, unduly burdensome, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, and without waiving the objection, PACE will provide a list in response to Interrogatory No. 7.

**Request for Production No. 15**

17. Request for Production No. 15 states:

Please provide all production cost models used in developing Kenneth J. Slater's testimony.

PACE objects to this request to the extent it requires the production of any confidential or proprietary information associated with proprietary cost models.

**Request for Production No. 16**

18. Request for Production No. 16 states:

Please provide all computer models used in developing Kenneth J. Slater's testimony.

PACE objects to this request to the extent it requires the production of any proprietary information associated with the computer models.

**Request for Production No. 17**

19. Request for Production No. 17 states:

Please provide all databases and inputs used in developing Kenneth J. Slater's testimony.

PACE objects to this request to the extent it requires the production of any confidential information or proprietary databases.

**Request for Production No. 18**

20. Request for Production No. 18 states:

Please provide all workpapers, input data and assumptions used to develop the "expected energy not served" analysis discussed by Kenneth J. Slater at pages 11-13 of his testimony.

PACE objects to this request to the extent it requires the production of any confidential information or proprietary cost models, computer models, or databases.

**Request for Production No. 20**

21. Request for Production No. 20 states:

Please provide all documents supporting Kenneth J. Slater's testimony.

PACE objects to this request to the extent it requires the production of any confidential information or proprietary cost models, computer models, or databases.

**Request for Production No. 21**

22. Request for Production No. 21 states:

Please provide all documents used, consulted or developed in preparation of Kenneth J. Slater's exhibit (KJS-3).

PACE objects to this request to the extent it requires the production of any confidential information or proprietary cost models, computer models, or databases.

**Request for Production No. 29**

23. Request for Production No. 29 states:

Please provide all documents used by or relied upon by Kenneth J. Slater in preparation of his testimony.

PACE objects to this request to the extent it requires the production of any confidential information or proprietary cost models, computer models, or databases.

**Request for Production No. 31**

24. Request for Production No. 31 states:

Please provide all documents reviewed or utilized by each of PACE's witnesses in preparation of his or her testimony.

PACE objects to this request as duplicative and redundant. PACE also objects to the extent this request seeks documents protected by the attorney work product privilege or requires the production of any confidential information or proprietary cost models, computer models, or databases.

**Request for Production No. 35**

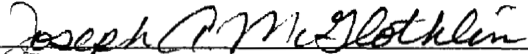
25. Request for Production No. 35 states:

Please provide all documents identified, referenced or relied upon in answering each interrogatory included in FPL's First Set of Interrogatories to PACE.

PACE incorporates all objections made to FPL's First Set of Interrogatories. Further, PACE objects to this request to the extent it seeks proprietary information or materials



protected by the attorney-client and work product privileges.

  
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Attorney for the Florida Partnership for  
Affordable Competitive Energy

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Florida Partnership for Affordable Competitive Energy's Objections to Florida Power & Light Company's First Set of Requests for Production of Documents (Nos. 1-35) was on this 9th day of September 2002, served via (\*) Hand delivery and U.S. Mail to the following:

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