

**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 24, 2002

---

**FLORIDA PARTNERSHIP FOR AFFORDABLE COMPETITIVE ENERGY'S  
REQUEST FOR ORAL ARGUMENT**

The Florida Partnership for Affordable Competitive Energy (PACE), pursuant to rules 25-22.058 and 28-106.204, Florida Administrative Code, files this Request for Oral Argument in regard to its Response to Florida Power & Light Company's (FPL) Motion to Compel and PACE's Motion for Protective Order. As grounds therefore, PACE states:

**Introductory Statement**

1. Based on conversations with counsel for FPL, as well as representations of FPL counsel at the Prehearing Conference held on September 23, 2002, it is PACE's understanding that while FPL filed a motion to compel, it does not intend to pursue it at this time. Thus, PACE files this Request for Oral Argument as a contingency, in the event that FPL determines at a later time to pursue its motion.

**Request for Oral Argument**

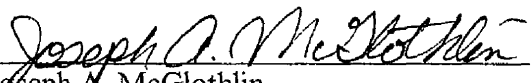
2. On August 29, 2002, FPL served its first set of discovery on PACE. On September 9, 2002, PACE objected to a number of the discovery requests, though as to many stated that notwithstanding its objections, it would provide responses. PACE responded to FPL's

discovery on September 18, 2002. On September 17, 2002 (prior to the receipt of PACE's responses), FPL filed a motion to compel.

3. As noted in PACE's response to FPL's motion, many of FPL's grounds to compel are now moot, as PACE has provided answers. However, a number of requests to which PACE maintains its objections relate to matters which PACE contends are outside the bounds of any permissible inquiry as to PACE's right to participate in this proceeding. Such improper requests go, for example, to matters concerning PACE's funding. As set out more fully in PACE's response to FPL's motion, FPL is attempting to graft onto the test for associational standing criteria that do not exist. Adoption of such a standard would be contrary to case law, diminish the ability of associations to provide valuable information to the Commission in proceedings, and punish parties who seek to protect their interest through oppressive and irrelevant inquiries into financial matters that have no relevance to the issues in the case.

4. Oral argument will aid the Commission in understanding and evaluating the issues described above which are related to the proper scope of inquiry as to an association.

**WHEREFORE**, PACE requests that the Commission conduct oral argument on FPL's motion to compel and PACE's motion for protective order.

  
Joseph A. McGlothlin  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman & Arnold, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 33201  
Telephone: (850) 222-2525  
Facsimile: (850) 222-5606  
[jmclglothlin@mac-law.com](mailto:jmclglothlin@mac-law.com)

## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of Florida Partnership for Affordable Competitive Energy's Motion for Oral Argument was on this 24th day of September 2002 served via (\*) Hand delivery, (\*\*) electronically and U.S. Mail to the following:

(\*)(\*\*)Martha Brown  
Lawrence Harris  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

(\*)(\*\*)Charles A. Guyton  
Steel, Hector & Davis  
215 S. Monroe Street  
Tallahassee, Florida 32301

(\*\*)Jon C. Moyle, Jr.  
Cathy M. Seller  
Moyle, Flanigan, Katz  
118 North Gadsden Street  
Tallahassee, FL 32301

(\*\*)John T. Butler  
Steel Hector & Davis LLP  
200 S. Biscayne Blvd., Suite 4000  
Miami, Florida 33131-2398

(\*\*)D. Bruce May, Jr.  
Karen D. Walker  
Holland & Knight LLP  
P.O. Drawer 810  
Tallahassee, FL 32302

  
Joseph A. McGlothlin