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March 27, 2003

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

VIA HAND DELIVERY
RECEIVED - FPSC
COMMISSION CLERK
MAR 27 PM 3:42

Re: Docket No. 030084-EI

Dear Ms. Bayo:

Enclosed herewith for filing on behalf of Florida Power & Light Company ("FPL") are the original and fifteen copies of FPL's Objections to Barron Collier Companies' First Set of Interrogatories (Nos. 1-9) and First Request for Production of Documents (Nos. 1-32).

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me. Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

- AUS _____
- CAF _____
- CMP _____
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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Determination of Need for)
Collier-Orange River 230 kV Transmission)
Line in Collier, Hendry, and Lee Counties,)
by Florida Power & Light Company.)
_____)

Docket No. 030084-EI

Filed: March 27, 2003

**FLORIDA POWER & LIGHT COMPANY'S
OBJECTIONS TO BARRON COLLIER COMPANIES'
FIRST SET OF INTERROGATORIES (NOS. 1-9) AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-32)**

Florida Power & Light Company ("FPL") hereby submits the following objections to Barron Collier Companies' ("Barron Collier") First Set of Interrogatories (Nos. 1-9) and First Request for Production of Documents (Nos. 1-32).

I. Preliminary Nature of These Objections

The objections stated herein are preliminary in nature and are made at this time in compliance with Order No. PSC-03-0275-PCO-EI, which requires objections to be served within seven 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

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 in every case 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 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.

5. 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.

6. FPL objects to the request that responsive documents be produced at the offices of Barron Collier's counsel in Tallahassee, Florida. FPL reserves the right to produce the documents at a reasonable time, place, and manner such as at FPL's General Office in Miami, Florida.

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

8. FPL objects to each interrogatory and request for production to the extent they seek to impose an obligation on FPL to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. 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. (2002). 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).

9. FPL objects to each and every interrogatory and request for production to the extent they are vague, ambiguous, overly broad, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests. Any answers provided by FPL in response to Barron Collier's interrogatories and requests for production will be provided subject to, and without waiver of, the foregoing objection.

10. FPL objects to providing information to the extent such information is already in the public record before the Commission.

11. FPL objects to each and every interrogatory and request for production to the extent that the information requested constitutes proprietary confidential business information under Section 366.093(3), Florida Statutes, and/or under rules promulgated by or orders issued by the Federal Energy Regulatory Commission. FPL will make such information available to Barron Collier at a mutually agreeable time and place pursuant to a mutually agreed upon confidentiality and non-disclosure agreement.

12. FPL objects to the interrogatories and request for production to the extent they seek to impose obligations on FPL that exceed the requirements of Order No. PSC-03-0275-PCO-EI (Order Establishing Procedure),¹ the Florida Rules of Civil Procedure or Florida law.

III. Specific Objections

A. Barron Collier's First Set of Interrogatories

Interrogatory No. 1:

Identify each Person that prepared or assisted in the preparation of the answers to these interrogatories and state which specific answer(s) each Person prepared or assisted in preparing.

Objection: FPL objects to this interrogatory on the grounds that it is vague, ambiguous and overly broad. Subject to and without waiving this objection, FPL will identify a sponsor for each interrogatory.

¹For example, Barron Collier requests FPL to produce the requested documents by 10:00 a.m. on April 4, 2003. The "10:00 a.m." part of the request exceeds the obligations imposed on FPL under the Order Establishing Procedure.

B. Request for Production of Documents

Document Request No. 2:

Please provide copies of all Documents reflecting communications between Mr. Schoneck and any other persons, regardless whether or not such other person is employed by FPL, concerning Mr. Schoneck's participation and testimony in this proceeding.

Objection: FPL objects to this document request on the grounds that it is overly broad and unduly burdensome, especially given the compressed time frame within which the parties are operating, and the timing of the discovery propounded at the 11th hour by an intervening party. Under ordinary circumstances, the scope of the request would impose a significant burden on the responding party. In the current context of an 11th hour intervention, the intervening party's request must be seen as excessive beyond reason. This request should be limited by the practical constraints of time and resources when the persons being requested to respond to broadly framed discovery requests are the same individuals developing rebuttal testimony in an extremely compressed time frame in response to the Intervenor's late filed testimony,² while also preparing for hearing in accordance with the existing procedural schedule. Subject to this objection, FPL will endeavor to produce responsive, non-privileged documents that can be readily identified under the expedited time frame for discovery responses in this docket.

Document No. 5:

Please provide copies of all Documents reflecting communications between Mr. Ordax and any other person, regardless whether or not such other person is employed by FPL, concerning Mr. Ordax's participation and testimony in this proceeding.

²See Order No. PSC-03-0414-PCO-EI.

Objection: FPL objects to this document request on the grounds set forth in response to Document Request No. 2 above. Subject to this objection, FPL will endeavor to produce responsive, non-privileged documents that can be readily identified under the expedited time frame for discovery responses in this docket.

Document No. 8:

Please provide copies of all Documents reflecting communications between Mr. Mennes and any other person, regardless whether or not such other person is employed by FPL, concerning Mr. Mennes' participation and testimony in this proceeding.

Objection: FPL objects to this document request on the grounds set forth in response to Document Request No. 2 above. Subject to this objection, FPL will endeavor to produce responsive, non-privileged documents that can be readily identified under the expedited time frame for discovery responses in this docket.

Document Request No. 30:

Please provide all Documents, including any electrical one-line diagrams that exist, that describe, show, or depict FPL's Electrical Network of 230kV and 138kV facilities between Orange River and Collier Substations, including all Distribution Substations that are or will be or may be supplied by those transmission lines at any time within the next ten years.

Objection: The documents responsive to this request may include confidential proprietary business information. To the extent the documents responsive to this request constitute proprietary confidential business information, such documents will be produced only after execution of a mutually agreeable confidentiality and non-disclosure agreement.

Document Request No. 31:

Please provide all Documents, including any electrical one-line diagrams that exist, that describe, show, or depict the positive sequence per unit impedance and susceptance (sic) of each line section of FPL's Electrical Network of 230kV and 138kV facilities between the Orange River and Collier Substations over the next ten years.

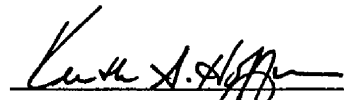
Objection: FPL object to this document request on the grounds that it is vague and ambiguous. In addition, to the extent FPL can ascertain what documents are sought, such documents may constitute confidential proprietary business information. Subject to and without waiving these objections, FPL will endeavor to respond to this document request. To the extent the documents responsive to this request constitute proprietary confidential business information, such documents will be produced only after execution of a mutually agreeable confidentiality and non-disclosure agreement.

Document Request No. 32:

Please provide all documents, including any electrical one-line diagrams that exist, that describe, show, or depict the MVA ratings and the circuit mileage for the existing and proposed 230kV lines that are, or are proposed to be, part of the Electrical Network between Orange River and Collier Substations.

Objection. The documents responsive to this request may include confidential proprietary business information. To the extent the documents responsive to this request constitute proprietary confidential business information, such documents will be produced only after execution of a mutually agreeable confidentiality and non-disclosure agreement.

Respectfully submitted,



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- - and - -

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Attorneys for Florida Power & Light Company

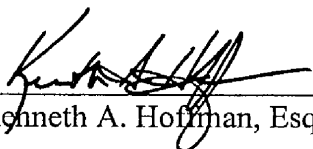
CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Objections to Barron Collier Companies' First Set of Interrogatories (Nos. 1-9) and First Set of Request for Production of Documents (Nos. 1-32) has been furnished by Hand Delivery(*- - U. S. Mail) this 27th day of March, 2003, to the following:

Larry Harris, Esq.
Division of Legal Services
Florida Public Service Commission
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Tallahassee, Florida 32399-0850

Robert Scheffel Wright, Esq.
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Barron Collier Companies
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By: 
Kenneth A. Hoffman, Esq.

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