

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Florida Power & Light Company's ) Docket No. 040206-EU  
Petition for Determination of Need for Turkey )  
Point Unit 5 Electrical Power Plant Power ) Filed May 5, 2004.

---

**CALPINE ENERGY SERVICES, L.P.'s SECOND REQUEST  
FOR PRODUCTION OF DOCUMENTS (Nos. 52 - 65) TO FLORIDA POWER & LIGHT  
COMPANY**

**Calpine Energy Services, L.P.** (hereinafter "Calpine"), by and through its undersigned counsel, files this Second Request for Production of Documents (Nos. 52 - 65) pursuant to Rule 1.350, Florida Rules of Civil Procedure, and Rule 28-106.206, Florida Administrative Code, and requests that the Petitioner, **FLORIDA POWER & LIGHT COMPANY** (hereinafter "FPL"), provide copies of the following documents or make such documents available for inspection by Calpine within the time frames provided for in these proceedings:

**DEFINITIONS**

A. "Documents" means any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, cards, tapes, film, electronic facsimile, electronic mail, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, electronic mail transmissions, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records or recordings or oral conversations, work papers, and also including, but not limited to, originals, whether by interlineation, receipt stamp, notation, indication of copies sent or received or otherwise, and drafts, which are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives

DOCUMENT NUMBER-DATE

05250 MAY-5 3

FPSC-COMMISSION CLERK

or attorneys of FPL, or any and all persons acting on its behalf, including documents at any time in the possession, custody or control of such individuals or entities or known by Plaintiff to exist.

B. “You” or “Your” means the Petitioner in these proceedings, Florida Power & Light Company, and its corporate affiliate that may be in possession of documents requested.

C. “Bid process” means the process by which you discussed, prepared, issued, managed, scored, evaluated, changed, rejected, announced, or otherwise took action relative to the Request for Proposal you issued on or about August 25, 2003.

D. “RFP” means the Request for Proposal you issued on or about August 25, 2003.

E. If there is objection to the production of any document or part thereof under the claim of privilege or work product, then please identify the document in a manner sufficient to enable the Commission to rule upon the claim of privilege or work product by stating, as to each such document, the date of the document, its sender(s) or preparer(s), its addressee(s), the person(s) to whom the document was shown or to whom copies were furnished, the subject matter of the document and the person in whose custody the document is presently located.

F. If any document requested was, but is no longer, in your possession, custody or control, then please state whether the document is missing or lost, has been destroyed, has been transferred to another person or has otherwise been disposed of. For each such document, please explain the circumstances surrounding its disposition and describe the subject matter of the document.

G. If you do not clearly understand, or have any questions about, the definitions, instructions, or any request for documents, please contact counsel for Calpine promptly for clarification. These requests are deemed to be continuing requests requiring you to furnish additional

documents covered by these requests as they become known and available.

### **DOCUMENTS REQUESTED**

52. Any and all documents related to your conclusion that four of the five proposals you received in response to your RFP did not meet your RFP minimum requirements.

53. Any and all documents reflecting the back up used for the Power Block cost of \$472.2 million as set forth at page 30 of your need study.

54. Any and all documents reflecting the 233 questions answered during the pre-bid process.

55. Any and all documents reflecting any questions asked during the pre-bid process that you did not answer.

56. Any and all documents reflecting all non-economic attributes associated with each proposal as set forth in paragraph 36 of your need study.

57. Any and all documents reflecting the review evaluation of the next most competitive portfolio that was reviewed by subject matter experts.

58. Any and all documents reflecting any and all methodologies you considered or developed to quantify the impact of generating resource additions on your increased transmission-related costs associated with a growing Southeast Florida load/generation imbalance.

59. Any and all documents reflecting that “the results of these methodologies demonstrated to FPL that resources located outside of Southeast Florida would tend to have significant cost advantages,” as stated in page 3 of your Need Study.

60. Any and all documents reflecting any balance sheet adjustments you have previously made due to the equity penalty associated with purchase power contracts.

61. Any and all documents reflecting any negative consequences you have experienced relative to your balance sheet resulting from any purchase power contracts.

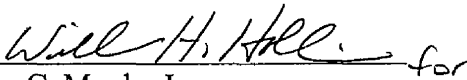
62. Any and all documents relating to security risks you considered in making your decision to locate your proposed four on one combined cycle power plant at the Turkey Point Energy Complex.

63. Any and all documents reflecting notes, evaluation, discussions, deliberations, debates or other actions taken during any meeting or conference call concerning your evaluation of responses to your RFP.

64. Any and all documents reflecting notes, evaluations, discussions, deliberations, debates or other actions taken during any meeting or conference call concerning your consideration of the Turkey Point Unit 5 project.

65. Any and all documents relied on or identified in your responses to interrogatories.

Respectfully submitted this 5 day of May, 2004.

  
Jon C. Moyle, Jr.  
Florida Bar No. 0727016  
Moyle Flanigan Katz Raymond & Sheehan, P.A.  
The Perkins House  
118 North Gadsden Street  
Tallahassee, Florida 32301  
(850) 681-3828 (telephone)  
(850) 681-8788 (telefax)  
[jmoylejr@moylelaw.com](mailto:jmoylejr@moylelaw.com)

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy was served by hand-delivery this 5 day of **May, 2004**, on Jennifer Brubaker, Esq., Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-9850; Charles A. Guyton, Esq., Steel Hector & Davis, LLP, 215 South Monroe Street, Suite 601, Tallahassee, FL 32301, and Mr. Bill Walker and Ms. Lynne Adams, Florida Power & Light Company, 215 South Monroe Street, Suite 810, Tallahassee, Florida 32301-1859; and by U.S. Mail to the following persons:

R. Wade Litchfield, Esquire  
Natalie F. Smith, Esquire  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 22408-0420

Department of Community Affairs  
Paul Darst  
Strategic Planning  
2555 Shumard Oak Blvd.  
Tallahassee, Florida 32399-2100

Department of Environmental Protection  
Buck Oven  
Siting Coordination Office  
2600 Blairstone Road, MS 48  
Tallahassee, Florida 32301

Will H. Hill for  
Jon C. Moyle, Jr.