

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaints by Southeastern Utility Services,)
Inc. on behalf of various customers, against) Docket No. 030623-EI
Florida Power & Light Company concerning)
thermal demand meter error)

**OCEAN PROPERTIES, LTD.'S,
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
TO FLORIDA POWER & LIGHT COMPANY (NOS. 1-12)**

Pursuant to Rule 28-106.206, F.A.C., and Rule 1.350, Fla.R.Civ.P., OCEAN PROPERTIES, LTD. ("Ocean Properties") hereby serves the following Request for Production of Documents upon Florida Power & Light Company, and request that responsive documents be produced within 30 days, pursuant to the time frames provided for in the Florida Rules of Civil Procedure.

DEFINITIONS

1. "You" and "yours" and/or "yourselves" means FPL, its corporate affiliates and any attorney, employee, agent, representative or other person acting or purporting to act on your behalf, including all persons who will offer testimony on your behalf in this proceeding.

2. "Person" or "persons" means all natural persons and entities, including, but not limited to: corporations, companies, partnerships, limited partnerships, joint ventures, trusts, estates, associations, public agencies, departments, bureaus or boards.

3. "Document" or "documents" means documents as defined in Rule 1.350, Fla.R.Civ.P. In addition, the words "document" or "documents" shall mean any writing, recording, computer-stored information or photograph in your possession, custody, care or control, which pertain directly or indirectly, in whole or in part, to any of the subjects listed below, or which are themselves listed below as specific documents, including, but not limited to, correspondence, memoranda, notes, messages, e-mails, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

computer discs, microfilms, video tapes or tape recordings or any other medium in which information is stored.

4. "FPL" means Florida Power & Light Company, its attorneys, employees, officers, directors, agents, representatives, affiliated corporate entities and persons acting on behalf of these entities.

5. "Relate to" shall mean contain, discuss, describe or address.

6. "All" means all or any.

7. The singular of any word contained herein shall include the plural and vice versa; the terms "and" and "or" shall be both conjunctive and disjunctive; and the term "including" means "including without limitation".

8. "Landis and Gyr" shall mean the corporate entity which sold or otherwise provided you the 1-V thermal demand meters that are the subject of this docket, including any corporate affiliates, successors, or predecessors of Landis and Gyr that supplied you with thermal demand meters.

INSTRUCTIONS

9. **Scope of Production.** In responding to this request to produce, produce all responsive documents.

10. **Manner of Objections and Inability to Respond.** If you object to a part of a request and refuse to respond to that part, state your objection and answer the remaining portion of that request. If you object to the scope of a request and refuse to produce documents for that scope, state your objection and produce documents for the scope you believe is appropriate.

11. **Limited Response.** If any of the requests cannot be responded to in full after exercising due diligence to secure the requested documents, please so state and respond and produce documents to the extent possible, specifying your inability to respond further. If your response or

production is qualified or limited in any particular way, please set forth the details and specifics of such qualification or limitation.

12. **Privileged Information or Documents.** In the event you wish to assert attorney/client privilege or the work product doctrine, or both, or any other claim of privilege, then as to such documents allegedly subject to such asserted privileges, you are requested to supply an identification of such documents, in writing, with sufficient specificity to permit the Prehearing Officer or Commission to reach a determination in the event of a motion to compel as to the applicability of the asserted objection, together with an indication of the basis for the assertion of the claim of attorney/client privilege or the work product doctrine, or any other claim of privilege. The identification called for by this instruction shall include the nature of the document (e.g., interoffice memoranda, correspondence, report, etc.), the sender or author, the recipient of each copy, the date, the name of each person to whom the original or any copy was circulated, the names appearing on any circulation list associated with such document, and a summary statement of the subject matter of the document in sufficient detail to permit the Court to reach a determination in the event of a motion to compel.

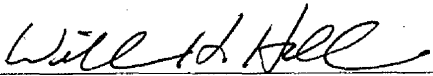
13. **Computer-Generated Documents.** If a requested document is on computer or word processing disc or tape, produce an electronic copy of the document and a printout of the document.

14. **Organization of Documents.** With respect to the documents produced, you shall produce them as they are kept in the usual course of business, labeling them to correspond with each numbered paragraph of this request in response to which such documents are produced. All pages now stapled or fastened together and all documents that cannot be copied legibly should be produced in their original form.

DOCUMENTS REQUESTED

1. Military Standard 105 - Sampling Procedures and Table for Inspection by Attributes and Military Standard 414 - Sampling Procedure and Tables for Inspection by Variables for Percent Defective.
2. The statistical analysis underlying FPL's conclusion that demand testing of the sample of 50 1V thermal demand meters conducted between 6/25/02 and 7/9/02 indicates that 12.2% of the tested meters are defective.
3. Test records from demand testing of the sample of 50 1V thermal demand meters conducted between 6/25/02 and 7/9/02 indicates that 12.2% of the tested meters are defective (reference page 29 of 31 of FPL's April 3, 1997 "Test Procedures and Test Plans for Metering Devices, file name PROC-1.FPL, for test record contents).
4. All documents related to the "SWAT Team" referred to on the last line of document Bates No. 000160 TDM.
5. A copy of the attachment referenced in Jeff W. Simmons' 1/29/03 e-mail (000243 TDM) - an Excel file with name "0129031V Thermal Meter Changeouts Status update."
6. A copy of "Dacs," the meter shop database including test results for all 1V meters (reference Bates No. 000257 TDM).
7. All Form 134's indicating test result for 1V thermal demand meters.

8. Calibration records for the volt meter, watt meter, and amp meter used to maintain the thermal demand meter test boards for the years 2000,2001,2002, and 2003.
9. Calibration records for the thermal demand meter test boards for the years 2000, 2001,2002, and 2003.
10. Calibration records for all standards traceable to the National Bureau of Standards associated with thermal demand meter test boards for the years 2000,2001,2002, and 2003.
11. Calibration records for the thermal demand meters used as references in the thermal demand meter test boards for the years 2000,2001,2002, and 2003.
12. All documents relating to testing done by FPL to determine the impact of light and/or heat on the accuracy of thermal demand meters (reference Teachman Deposition transcript, pages 101-107).
13. All test records for the thermal demand meters at issue in this docket.



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CERTIFICATE OF SERVICE

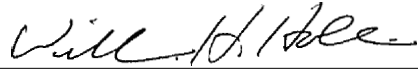
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to those listed below with an asterisk and the remainder by U.S. Mail without an asterisk this day the 1 day of July , 2004.

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