

ORIGINAL

Matilda Sanders

From: Elizabeth_Carrero@fpl.com
Sent: Friday, May 20, 2005 3:27 PM
To: Filings@psc.state.fl.us
Cc: Wade_Litchfield@fpl.com; Natalie_Smith@fpl.com; Bill_Feaster@fpl.com; Kirk_Gillen@fpl.com; Nanci_Nesmith@fpl.com; Jack_Leon@fpl.com; David_Lee@fpl.com; Patrick_Bryan@fpl.com; Cochran Keating; Katherine Fleming; Jeremy Susac; mclean.harold@leg.state.fl.us; Charles Beck; charlie_beck@comcast.net; mcwhirter@mac-law.com; tperry@mac-law.com; dbmay@hklaw.com; miketwomey@talstar.com; dbrown@mckennalong.com; schef@landersandparsons.com; craig.paulson@tyndall.af.mil; msundback@akllp.com; kwiseman@akllp.com; gloriahalstead@andrewskurth.com; jspina@akllp.com; lquick@sfhha.com
Subject: Electronic Filing for Docket No. 050045-EI / Docket No. 050188-EI - Florida Power & Light Company's correspondence regarding Discovery

Attachments: Letter to Ms. Bayo re discovery.5.20.05.pdf

CMP _____
 COM _____
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 RCA _____
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 SEC 1
 OTH _____



Letter to Ms.
yo re discover

Electronic Filing

a. Person responsible for this electronic filing:

Natalie F. Smith, Attorney
 Florida Power & Light Company
 700 Universe Blvd.
 Juno Beach, FL 33408
 (561) 691-7207
 natalie_smith@fpl.com

b. Docket No. 050045-EI / Docket No. 050188-EI

In re: Petition for rate increase by Florida Power & Light Company In re: 2005 Comprehensive Depreciation Studies by Florida Power & Light Company

c. Document being filed on behalf of Florida Power & Light Company.

d. There are a total of 2 pages

e. The document attached for electronic filing is Florida Power & Light Company's Correspondence regarding Discovery

(See attached file: Letter to Ms. Bayo re discovery.5.20.05.pdf)

Thank you for your attention and cooperation to this request

Elizabeth Carrero, Legal Asst
 Wade Litchfield, Esq. and Natalie Smith, Esq
 Phone: 561-691-7100
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May 20, 2005

VIA ELECTRONIC MAIL

Ms. Blanca S. Bayó, Director
Division of Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: OPC Discovery Limits, Docket Nos. 050045-EI and 050188-EI
(issued May 11, 2005)

Dear Ms. Bayó:

Please be advised that the First Order Revising Order Establishing Procedure, Order No. PSC-05-0518-PCO-EI, issued May 11, 2005 in the above-referenced dockets ("Revised Procedural Order"), understated the amount of discovery served by the Office of Public Counsel ("OPC") on Florida Power & Light Company ("FPL") thus far. Consistent with the original Order Establishing Procedure, Order No. PSC-05-0347-PCO-EI ("Original Procedural Order"), and the Revised Procedural Order, the limit for interrogatories and requests for documents is set at 700 each per party, including subparts.¹ Including subparts, as of the date of this letter, OPC has served on FPL 854 interrogatories and 354 document requests. Therefore, OPC has exceeded the discovery limits for interrogatories by 154 interrogatories.

Although the Original Procedural Order said that subparts should be counted against the discovery limits, it appears that the numbers in the Revised Procedural Order (265 interrogatories and 271 document requests) inadvertently did not include subparts. In adhering to the discovery limits, it is imperative that subparts be counted. As an

¹ The provision of the Order Establishing Procedure counting subparts against the discovery limits was not modified by the Revised Procedural Order.

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and Administrative Services
Florida Public Service Commission
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example, though OPC's eleventh set of interrogatories included only 34 numbered interrogatories, counting subparts, there were 218 interrogatories.

Please contact me should you have any questions or wish to discuss.

Sincerely,



Natalie F. Smith

NFS:ec

cc: Katherine E. Fleming, Esquire
Wm. Cochran Keating, IV, Esquire
Florida Public Service Commission
Division of Legal Services
Charles J. Beck, Esquire
Office of Public Counsel
Parties of record of Docket Nos. 050045-EI and 050188-EI