

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Environmental Cost )  
Recovery Clause ) DOCKET NO. 130007-EI  
\_\_\_\_\_) SERVED: OCTOBER 4, 2013

**DeSOTO COUNTY GENERATING COMPANY'S NOTICE OF OBJECTIONS  
TO FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS (NOS. 1-12)**

DeSoto County Generating Company, LLC ("DeSoto"), pursuant to Rule 1.350, Florida Rules of Civil Procedure, Rule 28-106.206, Florida Administrative Code, and Commission Order No. 13-0070-PCO-EI, and Order No. 13-0165-PCO-EI, the Order Establishing Procedure in this docket, as amended, hereby submits the following Objections to Florida Power & Light Company's ("FPL") First Request for Production of Documents propounded on DeSoto on September 27, 2013.

**I. General Objections**

DeSoto objects to each and every discovery request 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. DeSoto in no way intends to waive any such privilege or protection. The nature of the documents protected by such privileges and doctrines, if any,

will be described in a privilege log prepared and provided by DeSoto.

As explained below, DeSoto's responses will provide all of the information that DeSoto is able to obtain after a reasonable and diligent search conducted in connection with these discovery requests. To the extent that the discovery requests propose to require more, DeSoto objects on the grounds that compliance would impose an undue burden or expense on DeSoto.

DeSoto objects to each discovery request to the extent that it seeks information that is duplicative, not relevant to the subject matter of this docket, or not reasonably calculated to lead to the discovery of admissible evidence.

DeSoto objects to each and every discovery request to the extent it is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests. Any responses provided by DeSoto will be provided subject to, and without waiver of, the foregoing objection.

DeSoto also objects to each and every discovery request to the extent it calls for DeSoto to prepare information in a particular format, to perform calculations or analyses not previously prepared or performed, or to create new information,

as unduly burdensome and purporting to expand DeSoto's obligations under applicable law.

DeSoto objects to providing information to the extent that such information is already in FPL's possession, already in the public record before a public agency and available through normal procedures or is readily accessible through legal search engines.

Where any discovery request calls for production of documents, DeSoto objects to any production location other than the location established by DeSoto, which is at the offices of DeSoto's attorneys, Gardner Bist Wiener Wadsworth Bowden Bush Dee LaVia & Wright, P.A., at 1300 Thomaswood Drive, Tallahassee, Florida, unless otherwise agreed by the parties.

DeSoto objects to each and every discovery request and any instructions that purport to expand DeSoto's obligations under applicable law.

To the extent that any discovery request seeks information or documents that are the confidential, proprietary business information of DeSoto, or of an entity to whom DeSoto has committed to protect that entity's confidential information, DeSoto objects to providing such information without having an appropriate and acceptable Confidentiality Agreement in place to protect such information from being disclosed in any way that would harm the competitive business interests of DeSoto or any other entity. Consistent with Commission rules and practice,

DeSoto will endeavor in good faith to provide responsive information and documents, and to that end, DeSoto and FPL are working toward the execution of a mutually agreeable Confidentiality Agreement that would protect DeSoto's confidential information. To the extent that a request seeks another entity's confidential information, DeSoto will endeavor in good faith and with due diligence to expeditiously seek such other entity's authorization to disclose the information pursuant to an appropriate Confidentiality Agreement acceptable to such entity. Without limitation, DeSoto believes that documents responsive to Production Requests Nos. 1, 2, 3, 4, 5, 6, and 12 may include confidential information of entities other than DeSoto.

DeSoto expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity, or relevance of the information provided in its responses.

## **II. Specific Objections**

In addition to the foregoing general objections, DeSoto objects to the following individual requests for production of documents for the reasons and grounds stated below.

2. Please provide a copy of all documents relating to the nature, scope and cost of maintenance performed on the DeSoto Florida facility for the past 10 years.

DeSoto objects to this production request on the grounds that it is, at least potentially, overbroad and unduly burdensome. DeSoto has owned the DeSoto Generating Facility since December 28, 2009, and FPL's request for documents that may have been created over the past decade, including approximately 6 years in which DeSoto did not own the Facility, may encompass information that is not available.

Subject to the foregoing general and specific objections, DeSoto will attempt to respond to this request.

3. Please provide a copy of all documents related to Desoto's projection or estimates of the nature, scope and/or cost of future maintenance through 2024, including scheduled replacement of capital components, for the DeSoto plant.

DeSoto objects to this production request on the grounds that it is, at least potentially, overbroad and unduly burdensome. FPL's request for information covering a forward-looking period of more than a decade may encompass information that is not available.

Subject to the foregoing general and specific objections, DeSoto will attempt to respond to this request.

Respectfully submitted this 4th day of October 2013.



Robert Scheffel Wright

[schef@gbwlegal.com](mailto:schef@gbwlegal.com)

John T. LaVia, III

[jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)

Gardner, Bist, Wiener, Wadsworth, Bowden, Bush,  
Dee, LaVia & Wright, P.A.

1300 Thomaswood Drive

Tallahassee, Florida 32308

Telephone (850) 385-0070

Facsimile (850) 385-5416

Attorneys for DeSoto County Generating  
Company, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following by electronic mail on this 4th day of October 2013.

Charles Murphy  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

Ausley Law Firm  
James D. Beasley/J. Jeffry Wahlen  
Post Office Box 391  
Tallahassee, FL 32302

Beggs & Lane  
Jeffrey A. Stone/Russell A. Badders  
P.O. Box 12950  
Pensacola, FL 32591-2950

Brickfield Law Firm  
James W. Brew/F. Alvin Taylor  
Eighth Floor, West Tower  
1025 Thomas Jefferson Street, NW  
Washington, DC 20007-5201

Federal Executive Agencies  
Captain Samuel Miller  
USAF/AFLOA/JACL/ULFSC  
139 Barnes Drive, Suite 1  
Tyndall AFB, FL 32403-5319

Florida Industrial Power Users Group  
c/o Moyle Law Firm  
Vicki Gordon Kaufman/Jon C. Moyle, Jr  
118 North Gadsden Street  
Tallahassee, FL 32301

Florida Power & Light Company  
John T. Butler  
700 Universe Boulevard  
Juno Beach, FL 33408-0420

Florida Power & Light Company  
Kenneth Hoffman  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1858

Gulf Power Company  
Mr. Robert L. McGee, Jr.  
One Energy Place  
Pensacola, FL 32520-0780

Hopping Law Firm  
Gary V. Perko  
P.O. Box 6526  
Tallahassee, FL 32314

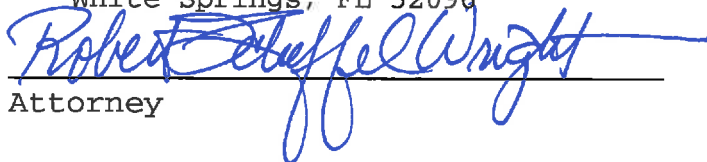
Office of Public Counsel  
J.R. Kelly/Patty Christensen  
Charles Rehwinkel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

Progress Energy Florida, Inc.  
Paul Lewis, Jr.  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301

Progress Energy Service Company, LLC  
John T. Burnett/Dianne M. Triplett  
Post Office Box 14042  
St. Petersburg, FL 33733

Tampa Electric Company  
Ms. Paula K. Brown  
Regulatory Affairs  
P. O. Box 111  
Tampa, FL 33601-0111

White Springs Agricultural Chemicals,  
Inc.  
P.O. Box 300  
White Springs, FL 32096

  
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Attorney