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September 24, 2014

Carlotta S. Stauffer
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RE: Docket No. 130223-EI

Dear Ms. Stauffer:

Please find enclosed for electronic filing in the above-referenced docket the Motion to Compel of Intervenors, filed on behalf of intervenors Shari R. Anker, Alexandra Ansell, Stephanie & Peter J. Austin, Martha Babson, William G. & Margo A. Bigelow, Kathleen Bolam, Patricia DeNunzio, Jeri E. Friedman, George Fuller, Cathy & Mario Grippi, Shirley D. Jackson, Jamie & Douglas Lehman, Marilynne Martin, Victor J. Rohe, Sandra L. Smart, and David E. Watkins.

Please feel free to contact me at (850) 222-1246, or at email address: ljacobs50@comcast.net should you have any questions related to this filing.

Sincerely

/s/ Ennis Leon Jacobs, Jr.

Ennis Leon Jacobs, Jr.
Attorney for Shari R. Anker, Alexandra Ansell, Stephanie
& Peter J. Austin, Martha Babson, William G. & Margo A.
Bigelow, Kathleen Bolam, Patricia DeNunzio, Jeri E.
Friedman, George Fuller, Cathy & Mario Grippi, Shirley D.
Jackson, Jamie & Douglas Lehman, Marilynne Martin,
Victor J. Rohe, Sandra L. Smart, and David E. Watkins

cc: Counsel for all parties of record (w/encl/)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of optional non-standard meter rider, by Florida Power & Light Company.

DOCKET NO. 130223-EI

FILED: September 24, 2014

INTERVENORS MARILYNNE MARTIN, ET. AL.
MOTION TO COMPEL

Intervenors Shari R. Anker, Alexandra Ansell, Stephanie & Peter J. Austin, Martha Babson, William G. & Margo A. Bigelow, Kathleen Bolam, Patricia DeNunzio, Jeri E. Friedman, George Fuller, Cathy & Mario Grippi, Shirley D. Jackson, Jamie & Douglas Lehman, Marilynne Martin, Victor J. Rohe, Sandra L. Smart, and David E. Watkins (“Intervenors Martin et. al.”), pursuant to the Order Establishing Procedure in this docket, Order No. PSC-14-0104-PCO-EI, issued February 18, 2014, as amended by Order No. PSC-14-0270-PCO-EI, issued May 29, 2014, submit this Motion to Compel for a full response by Florida Power & Light (“FPL”, or “Company”) to Intervenors Martin et. al.’s First Request for Production of Documents No. 2, and as reasons therefore state:

ARGUMENT

FPL objects to responding to Intervenors Martin et. al.’s First Request for Production of Documents No. 2. *See* FPL’s general and specific Objections to Intervenors Martin et. al.’s First Request for Production of Documents No. 2 attached hereto as Exhibits. The Company provided a partial, redacted response. Intervenors Martin et. al. seek to make available to the Commission the full response to POD No. 2.

As the Commission has previously recognized, the scope of discovery under the Florida Rules of Civil Procedure is liberal. Rule 1.280(b)(1), Florida Rules of Civil Procedure, provides:

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action, whether it relates to the claim or defense of the party seeking discovery or the claim or defense of any other party...

The core issues in this docket go to the operational elements of FPL's transition to smart meters, and specifically the measurement and allocation of costs related to the implementation of smart meters, as well as the servicing of customers who declined to accept the smart meters. Key to this discussion is the question of the calculation of incremental costs, and whether such costs were optimized by the strategic planning and design of this transition by management. Intervenors Martin et. al., through their discovery requests, have expressly sought to inform the Commission on this issue. Applying the applicable standard, the information sought by Intervenors Martin et. al. is relevant to the subject matter of the issues in this proceeding and thus clearly and reasonably calculated to lead to the discovery of admissible evidence.

The specific request in question goes directly to this area of inquiry by seeking information on the process utilized by FPL as customers were making the decision to accept or reject the offer of a new meter.

Intervenors Martin et. al. Request for Production No. 2 is not vague or ambiguous, nor is it overly broad or burdensome. *See First City Developments of Florida, Inc. v. Hallmark of Hollywood Condominium Ass'n, Inc.*, 545 So.2d 502, 503

(Fla. 4th DCA 1989)(“it is incumbent upon [the objecting party] to quantify for the trial court the manner in which such discovery might be overly broad or burdensome. They must be able to show the volume of documents, or the number of man-hours required in their production, or some other quantitative factor that would make it so.”). Indeed the request of Intervenors Martin et. al. is readily available and narrowly tailored to the issues in this case.

CONCLUSION

Intervenors Martin et. al. are in need of the information requested in the above-referenced discovery to properly prepare their case for hearing and respectfully request that the Commission grant their Motion to Compel for a full response to Request for Production of Documents No. 2.

Dated this 24th day of September, 2014.

Respectfully submitted,

/s/ Ennis Leon Jacobs, Jr.
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CERTIFICATE OF SERVICE

I CERTIFY that a copy hereof has been furnished by email this 24th day of September, 2014, to:

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