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**OPC's Response to Staff's First Request for  
Production of Documents No. 1.**

- H. Citizens object to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available through normal procedures.
- I. Citizens object to any request that purports to require disclosure of the Public Counsel deliberative process and internal reviews to determine what if any issues to protest in any case. The Public Counsel is authorized by Section 350.0611, Florida Statutes, to represent the customers before the Commission. The Legislature granted the Public Counsel the following specific power:

To recommend to the commission or the counties, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission or the counties and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission or counties, . . .

The Public Counsel's decision-making and grant of discretion to take any position he deems in the public interest is not subject to review or an issue in this case. Thus, any such request is not relevant nor can it be reasonably calculated to lead to the discovery of admissible evidence.

- J. In responding to these Requests, Citizens do not waive the foregoing objections, or any specific objections that are set forth in the responses to particular requests.

### **DOCUMENTS REQUESTED**

1. Referring to OPC witness McCullar's Direct Testimony, Exhibits RMM-2 and RMM-7, please provide these two exhibits in MS Excel format, with formulas intact, showing how the OPC's proposed remaining life depreciation rate and theoretical reserve was calculated for each depreciation account. In the event the Exhibits RMM-2 and RMM-7 in MS Excel

format do not contain such formulas and calculations, please provide the relevant spreadsheets that do provide such formulas and calculations.

**RESPONSE: OPC objects to this request to the extent this request seeks OPC's expert to conduct an analysis or study not done for OPC or calls for information that is attorney work product.**

Respectfully submitted,

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