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**Steel Hector & Davis**

Tallahassee, Florida

Matthew M. Childs, P.A.  
(904) 222-4448

ORIGINAL  
FILE COPY

February 10, 1995

Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399

**RE: DOCKET NO. 950001-EI**

Dear Ms. Bayo:

Enclosed for filing please find an original and fifteen (15) copies of Florida Power & Light Company's Objections to Florida Steel Corporation's First Request for Production of Documents to Florida Power & Light Company (Nos 1-10).

Very truly yours,

*Matthew M. Childs, P.A.*  
Matthew M. Childs, P.A.

- ACK
- AFA
- APP
- C/F
- MMC/ml
- CMU
- cc: All Parties of Record
- CTR
- EAG *Dudley - 5*
- LEG *1*
- LIN *4*
- GFC
- RCH
- SEC *1*
- WAS
- OTH

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Investigation of Fuel Cost)  
Recovery Clauses of Electric ) DOCKET NO. 950001-EI  
Companies ) FILED: FEBRUARY 10, 1995  
\_\_\_\_\_)

FLORIDA POWER & LIGHT COMPANY'S  
OBJECTIONS TO FLORIDA STEEL CORPORATION'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
OF FLORIDA POWER & LIGHT COMPANY (NOS. 1-10)

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.034, Florida Administrative Code, the Florida Rules of Civil Procedure and the Order Establishing Procedure, hereby files these objections to Florida Steel Corporation's ("Florida Steel") "First Request for Production to Florida Power & Light Company (NOS. 1-10)" ("First Request for Production") and states:

**General Objection to Instructions and Definitions**

In the section of its First Request for Production entitled "Instructions," Florida Steel provides directions on various topics and definitions of various words, many, if not all, of which are governed by the Rules of the Commission, the Commission's Order Establishing Procedure, the Florida Rules of Civil Procedure,

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Florida Statutes, and Florida common law. FPL intends to respond to these requests for production as it understands its duty under law, notwithstanding any Instruction or Definition by Florida Steel to the contrary. To the extent that Florida Steel's Instructions and definitions alter or expand such duty, FPL objects.

### **Objection to Instruction 1**

In paragraph 1 of the section of its First Request for Production entitled "Instructions," Florida Steel states:

If any document is withheld under any claim of privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document and basis upon which such privilege is claimed.

FPL objects to Instruction 1. FPL claims and does not waive the fullest protection of the attorney-client privilege, the work-product doctrine, and all other applicable privileges and exemptions from disclosure. FPL intends to undertake all steps necessary to protect its privileged communications as required by the Rules of the Commission, the Florida Rules of Civil Procedure and Florida law.

## Objection to Request 2

In paragraph 2 of the section of its First Request for Production entitled "Documents Requested," Florida Steel states:

"Please provide all workpapers supporting FPL's projections of its natural gas costs for the period April 1995 through September 1995."

FPL objects to Request 2. The phrase "all workpapers supporting" is so vague and imprecise as to be potentially overbroad, unduly burdensome and unduly expensive. As stated in its objection to Request 1, FPL will produce its workpapers used to prepare the referenced filing. FPL objects to any broader meaning of "all supporting documents" on the grounds of overbreadth, burden and expense. Therefore, FPL views this request as redundant of Request 1. Additionally, this request encompasses proprietary confidential business information. FPL reserves the fullest protection for its proprietary confidential business information as is permissible under Florida law. FPL will take appropriate steps to protect its confidential documents and information pursuant to Commission Rule and Section 366.093, Florida Statutes.

### **Objection to Request 3**

In paragraph 3 of the section of its First Request for Production entitled "Documents Requested," Florida Steel states:

"Please provide FPL's operating statements by FERC account by month for the years 1994 and 1995."

FPL objects to Request 3. Request 3 seeks information wholly beyond the scope of the issues properly raised and before the Commission in this Docket. Therefore the request is outside the subject matter of this Docket and is not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, the time period referenced in the Request exceeds that encompassed by this Docket.

### **Objection to Request 4**

In paragraph 4 of the section of its First Request for Production entitled "Documents Requested," Florida Steel states:

"Please provide all supporting documents for FPL Appendix I, page 8 to FPL's January 17, 1995 filing."

FPL objects to Request 4. The phrase "all supporting documents" is so vague and imprecise as to be potentially overbroad, unduly burdensome and unduly expensive. As stated in its objection to Request 1, FPL will produce its workpapers used to prepare the referenced filing. FPL objects to any broader meaning of "all supporting documents" on the grounds of overbreadth, burden and expense. Therefore, FPL views this request as redundant of Request 1.

#### **Objection to Request 5**

In paragraph 5 of the section of its First Request for Production entitled "Documents Requested," Florida Steel states:

"Please provide FPL's load data and workpapers used to determine the allocators stated in FPL's Appendix IV, page 4 to FPL's January 17, 1995 filing."

FPL objects to Request 5. FPL views this Request as redundant of Request 1.

#### **Objection to Request 6**

In paragraph 6 of the section of its First Request for Production entitled "Documents Requested," Florida Steel states:

"Please provide FPL's kWh sales projection for the period April 1995 through September 1995 referenced on FPL Appendix IV, page 4."

FPL objects to Request 6. FPL views this Request as redundant of Request 1. However, FPL notes that the requested information is already provided in Appendix II to FPL's filing of January 17, 1995 at page 3 lines 24-26.

#### **Objection to Request 9**

In paragraph 9 of the section of its First Request for Production entitled "Documents Requested," Florida Steel states:

"Please provide each FPL kWh sales and revenue projection for 1995."

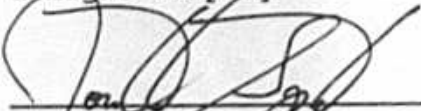
FPL objects to Request 9. FPL views this request as redundant of Request 1. Furthermore, sales projections from April through September 1995 are provided in FPL's current filing of January 17, 1995, Appendix II at page 3 lines 24-26. Time periods beyond September 1995 are beyond the scope of this Docket. Additionally, all revenue projections relevant to this Docket are contained in FPL's January 17, 1995 filing in this Docket. Any other "revenue"

is beyond the scope of this Docket. Therefore the request exceeds the subject matter of this Docket and is not reasonably calculated to lead to the discovery of admissible evidence.

DATED this 10th day of February, 1995.

Respectfully submitted,

STEEL HECTOR & DAVIS  
215 South Monroe Street  
Suite 601  
Tallahassee, FL 32301-1804  
Attorneys for Florida Power  
& Light Company



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Matthew M. Childs, P.A.  
Jonathan Sjoström



**CERTIFICATE OF SERVICE  
DOCKET NO. 950001-EI**

**I HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Objections to Florida Steel Corporation's First Request for Production of Documents to Florida Power & Light Company (Nos. 1-10) have been furnished by Hand Delivery\*\* or U.S. Mail this 10th day of February, 1995, to the following:

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