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**Steel Hector & Davis**

Tallahassee, Florida

Matthew M. Childs, P.A.  
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February 10, 1995

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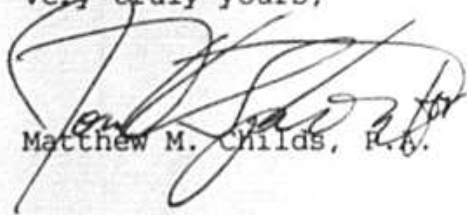
Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399

**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 Second Set of Interrogatories to Florida Power & Light Company (Nos 7-14).

Very truly yours,



Matthew M. Childs, P.A.

ACK

AFA  MMC/ml

APP  cc: All Parties of Record

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Establishing Procedure, the Florida Rules of Civil Procedure, Florida Statutes, and Florida common law. FPL intends to respond to these interrogatories 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 Second Interrogatories entitled "Instructions," Florida Steel states:

"Provide the name, address and relationship to the Company of each person providing answers to the following inquiries and identify which question(s) each person answered."

FPL does not object to providing the information requested in Instruction 1. However, FPL believes that the instruction itself actually constitutes interrogatories and not instructions. Therefore, FPL considers this "Instruction" to count against the 100 interrogatory limit contained in the Commission's Order Establishing Procedure. See Order No. PSC-95-0106-PCO-EI Issued January 20, 1995. Although Florida Steel's Second Interrogatories are numbered 7 through 14, FPL views the Second Interrogatories as consisting of at least 23 separate interrogatories. Florida Steel

has now propounded at least 42 interrogatories to FPL. Furthermore, and although the pages of the Second Interrogatories served on FPL are numbered sequentially, the Second Interrogatories contain no Interrogatory 8.

### **Objection to Instruction 2**

In paragraph 2 of the section of its First Interrogatories entitled "Instructions," Florida Steel states:

"All information is to be divulged which is in the possession of FPL, FPL's attorneys, investigators, agents, employees or other representatives."

FPL objects to Instruction 2. 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. Furthermore, FPL claims and does not waive the fullest protection of its confidential proprietary business information as is permissible under law.

OBJECTIONS TO INTERROGATORIES

**Objection to Interrogatory 7**

In paragraph 7 of the section of its First Interrogatories entitled "Interrogatories," Florida Steel states:

Please state whether each of the following FPSC expense adjustments to FP&L's October 31, 1994 Average Rate of Return Income Statement (Schedule 2, page 2 of FP&L's October 31, 1994 Earnings Surveillance Report Summary) are actual costs for the 12 months ended October 31, 1994 or costs developed by another means (if developed by other means, please state how each of these adjustments was determined and included supporting workpapers):

- Fuel Cost Recovery
- Conservation Cost Recovery
- Capacity Cost Recovery, and
- Oil Backout Cost Recovery.

FPL objects to Interrogatory 7. Interrogatory 7 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.

### Objection to Interrogatory 8

The section of Florida Steel's Second Interrogatories entitled "Interrogatories," contains no Interrogatory 8.

### Objection to Interrogatory 9

In paragraph 9 of the section of its First Interrogatories entitled "Interrogatories," Florida Steel states:

Please state whether each of the following FPSC revenue adjustments to FP&L's October 31, 1994 *Average Rate of Return Income Statement* (Schedule 2, page 2 of FP&L's October 31, 1994 *Earnings Surveillance Report Summary*) are actual revenues for the 12 months ended October 31, 1994 or revenues developed by another means (if developed by other means, please state how each of these adjustments was determined and included supporting workpapers):

- Fuel Cost Recovery
- Conservation Cost Recovery
- Capacity Cost Recovery, and
- Oil Backout Cost Recovery.

FPL objects to Interrogatory 9. Interrogatory 9 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.

### Objection to Interrogatory 10

In paragraph 10 of the section of its First Interrogatories entitled "Interrogatories," Florida Steel states:

Please list all amounts used by FP&L to develop FP&L's October 31, 1994 Earnings Surveillance Report Summary which are based on estimates, forecasts, budgets, or any basis other than actual costs or revenues.

FPL objects to Interrogatory 10. Interrogatory 10 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.

### Objection to Interrogatory 11

In paragraph 11 of the section of its First Interrogatories entitled "Interrogatories," Florida Steel states:

Please list all amounts used by FP&L to develop FP&L's December 31, 1994, or latest available, *Earnings Surveillance Report Summary* which are based on estimates, forecasts, budgets, or any basis other than actual costs or revenues.

FPL objects to Interrogatory 11. Interrogatory 11 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.

#### **Objection to Interrogatory 12**

In paragraph 12 of the section of its First Interrogatories entitled "Interrogatories," Florida Steel states:

Please provide a summary of FP&L's utility plant costs and accumulated depreciation, amortization, and depletion at December 31, 1994.

FPL objects to Interrogatory 12. Interrogatory 12 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.

#### **Objection to Interrogatory 13**

In paragraph 13 of the section of its First Interrogatories entitled "Interrogatories," Florida Steel states:

Please provide the total amount of revenue derived and operating expenses incurred by FP&L for 1994 from each of the following:

- Franchise,
- Gross Receipts Tax,

FPL objects to Interrogatory 13. As to "Franchise Receipts Tax," Interrogatory 13 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, as to Fuel Cost Recovery, Conservation Cost Recovery, Environmental Cost Recovery, Capacity Cost Recovery, and Oil Backout Cost Recovery documents from which the requested information can be derived have been previously filed with the Commission and provided to Florida Steel Corporation as a member of the Florida Industrial Power User's Group (FIPUG), a party to this Docket.

#### Objection to Interrogatory 14

In paragraph 14 of the section of its First Interrogatories entitled "interrogatories," Florida Steel states:

Please provide FP&L's cost of capital by each component (long-term debt, short-term debt, preferred stock, common equity, etc.) of FP&L's capital structure at December 31, 1994.


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Interrogatory 14. Interrogatory 14 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.

DATED this 10TH day of February, 1995.

Respectfully submitted,

STEEL HECTOR & DAVIS  
215 South Monroe Street  
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Attorneys for Florida Power  
& Light Company

  
Matthew M. Childs, P.A.  
Jonathan Sjostrom



**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 Second Set of Interrogatories to Florida Power & Light Company (Nos. 7-14) have been furnished by Hand Delivery\*\* or U.S. Mail this 10th day of February, 1995, to the following:

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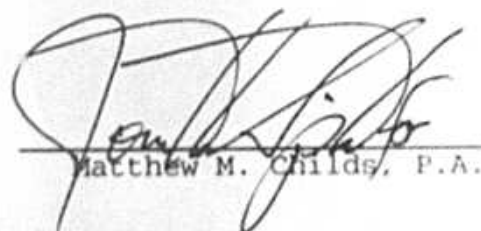
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