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June 26, 1995

VIA HAND DELIVERY

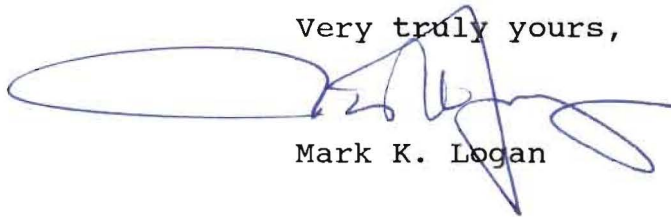
Ms. Blanco S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

**RE: In Re: Petition of Jacksonville Electric Authority to
Resolve a Territorial Dispute with Florida Power & Light
Company in St. Johns County, Docket No.: 950307-EU**

Dear Ms. Bayo:

Enclosed please find an original and one copy of Notice of Service of Florida Power & Light Company's First Set of Requests for Admissions, First Set of Requests for Production of Documents and First Set of Interrogatories to Jacksonville Electric Authority. Also enclosed is the original and 15 copies of Florida Power & Light Company's Memorandum in Opposition to Jacksonville Electric Authority's Motion for Order Compelling Discovery.

Very truly yours,



Mark K. Logan

- ACK _____
- ATA _____
- BP _____
- CF _____
- CMU _____
- CR _____
- CG 1 _____
- EG 1 _____
- LN 3 _____
- PC _____
- CH _____
- SEC 1 _____
- WAS _____
- OTH _____

MKL/skr

Enclosures

cc: Bruce Page, Esquire
Kenneth A. Hoffman, Esquire
Edward Tancer, Esquire
Beth Culpepper, Esquire

RECEIVED & FILED

EPSC-BUREAU OF RECORDS

Notice
DOCUMENT NUMBER-DATE *Memo. in Opposition*
05955 JUN 26 1995 DOCUMENT NUMBER-DATE
05956 JUN 26 1995
FPSC-RECORDS/REPORTING FPSC-RECORDS/REPORTING

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FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition of Jacksonville)
Electric Authority to Resolve a)
Territorial Dispute with Florida)
Power & Light Company in St.)
Johns County)
_____)

DOCKET NO. 950307-EU
Filed: June 26, 1995

NOTICE OF SERVICE OF FLORIDA POWER & LIGHT COMPANY'S
FIRST SET OF REQUESTS FOR ADMISSIONS, FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS AND FIRST SET OF INTERROGATORIES
TO JACKSONVILLE ELECTRIC AUTHORITY

Florida Power & Light Company ("FPL"), by and through its undersigned counsel, hereby files its Notice that it has served its First Set of Requests for Admissions, First Set of Requests for Production of Documents, and original and one copy of its First Set of Interrogatories to Jacksonville Electric Authority ("JEA") by hand delivery to Kenneth A. Hoffman, Esquire, William B. Willingham, Esquire, Rutledge, Ecenia, Underwood, Purnell & Hoffman, P.A., 215 South Monroe Street, Suite 420, Tallahassee, Florida 32301, and a copy of the Notice of Service; First Set of Requests for Admissions; First Set of Requests for Production of Documents and First Set of Interrogatories were served by method indicated to the parties listed below on this 26th day of June, 1995.

Wilton R. Miller
Florida Bar No.: 055506
Mark K. Logan
Florida Bar No.: 0494208
Bryant, Miller and Olive, P.A. 201
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and

DOCUMENT NUMBER-DATE
05955 JUN 26 1995
FPSC-RECORDS/REPORTING

FPL stated in its objection the fact that there is no mention of "meetings" between the parties anywhere within JEA's Petition. Now JEA claims that paragraph 17 of its Petition "refers to meetings which took place prior to JEA's filing of its Petition in this proceeding." Paragraph 5 of JEA's Motion to Compel. Paragraph 17 of JEA's Petition states, in pertinent part:

"JEA has requested FPL to relocate its lines situated in JEA's service territory and along the territorial boundary. FPL refuses to do so in such cases where JEA's new lines, while located within JEA's territory, would cross any FPL lines. . . JEA has also offered to purchase FPL's facilities and customers located in JEA's service territory. FPL refuses to consider JEA's offer."

Again, there is no mention of a "meeting" anywhere within paragraph 17 of the petition or anywhere else with in the other 21 paragraphs contained in that document. Despite JEA's tardy attempt to focus the scope of Request No. 4, it cannot now re-write that request. Since the original language remains objectionable as overly broad and vague it is objectionable.

A proper request for production must be sufficiently clear so the party to whom the request is directed can intelligently make any objections and a court can rule intelligently on such objections. Trawick, Fla. Prac. and Proc., Section 16-10. Here, FPL is unable to reasonably discern what meetings between the parties occurred, if any, with respect to the raft of allegations contained in JEA's petition. For example, paragraph 8 of the JEA's petition refers to the activities of the parties in 1963 when they entered into a territorial agreement. Does JEA seek any documents

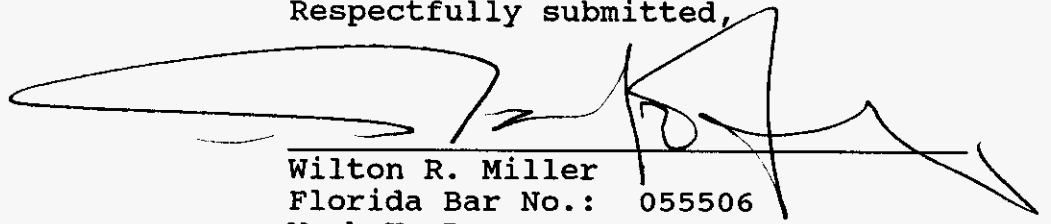
relating to meetings between the parties leading up to March 19, 1963? If so, such a request could be objectionable. However, FPL cannot make such determination based upon JEA's vague and overly broad request. Similarly, paragraph 9 sets forth allegations with respect to the Agreement between the parties dated April 13, 1979. Does JEA seek documents pertaining to this agreement? Again, there is no reasonable way to tell. Accordingly FPL's objection is well founded.

As noted above, JEA has, in Lazarus-like fashion, attempted to essentially re-state Request No. 4 based upon the allegations contained in Paragraph 17 of the Petition. Certainly JEA could have elected to phrase its initial request No. 4 in a manner to which FPL could have reasonably responded. For example, JEA could have requested: Please provide copies of any documentation relating to meetings held on a certain date between JEA and FPL concerning JEA's request for FPL to relocate its lines situated in JEA's service territory and along the territorial boundary. Or, JEA could have requested: all documentation relating to meetings between FPL and JEA where FPL refused to locate new lines in locations where those lines would cross JEA's lines. Or: Please provide all copies of any documentation produced for meetings with JEA concerning any offer of JEA to buy customers and/or facilities of FPL's. JEA, instead, relied upon the inartful language contained in Request No. 4. Having done so it cannot now change that request.

JEA is entitled to request discoverable documents pursuant to

Rule 1.830. However, it must frame any such request in a manner such that FPL can respond appropriately. Here, JEA has failed to meet that minimal burden. Therefore FPL's objection must be sustained and the Motion for Protective Order denied. Furthermore, this Commission should fashion a protective order pursuant to Rule 1.380 which prohibits JEA from again lodging the same request in its current form.

Respectfully submitted,



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and

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Florida Bar No.: 509159

**Attorneys for Florida Power & Light
Company**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by the method indicated to the parties listed below on this 26th day of June, 1995.

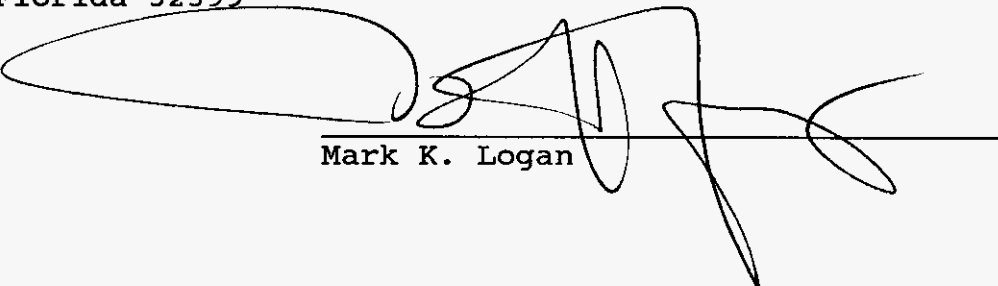
U.S. MAIL

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