

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Petition for)
 Determination of Need for an) DOCKET NO. 981042-EM
 Electrical Power Plant in Volusia)
 County by the Utilities Commission,) FILED: OCTOBER 26, 1998
 City of New Smyrna Beach, Florida,)
 and Duke Energy New Smyrna Beach)
 Power Company Ltd., L.L.P.)

UTILITIES COMMISSION, CITY NEW SMYRNA BEACH'S OBJECTIONS
TO FLORIDA POWER & LIGHT COMPANY'S SECOND SET
OF INTERROGATORIES (NOS. 16-43)

The Utilities Commission, City of New Smyrna Beach, Florida ("Utilities Commission") pursuant to the Order Establishing Procedures issued in this docket on September 4, 1998, hereby respectfully submits its objections to Florida Power & Light Company's ("FPL") Second Set of Interrogatories (Nos. 16-43) which were served on the Utilities Commission on October 14, 1998.

GENERAL OBJECTIONS

The Utilities Commission objects to FPL's Second Set of Interrogatories (Nos. 16-43) on the grounds set forth in paragraph A below. Each of the Utilities Commission's responses will be subject to and qualified by this general objection.

A. The Utilities Commission objects to FPL's request that the answers to these interrogatories be provided on or before October 28, 1998. Rule 1.340, Florida Rule of Civil Procedure ("F.R.C.P."), which is made specifically applicable to this proceeding by Uniform Rule 28-106.206, Florida Administrative

Code ("F.A.C."), requires that answers to interrogatories shall be served within 30 days of service of the interrogatories. However, in the spirit of compromise, the Utilities Commission stated in its Response in Opposition to FPL's Motion to Expedite Discovery and Motion for Alternative Expedited Discovery Schedule, filed with the Commission on October 19, 1998, that it will agree to respond to discovery requests, including FPL's, within 20 days of service.

SPECIFIC OBJECTIONS

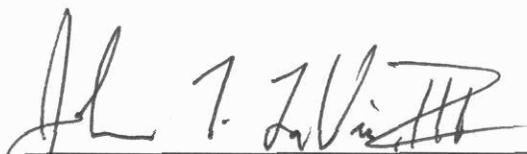
The Utilities Commission, City of New Smyrna Beach, makes the following specific objections to FPL's Second Set of Interrogatories (Nos. 16-43). The Utilities Commission's specific objections are numbered to correspond with the numbers of FPL's interrogatories.

23. The Utilities Commission, City of New Smyrna Beach, objects to this interrogatory on the ground that it seeks to require the UCNSB to perform additional analyses and create new documents not already prepared. To the extent possible, the UCNSB will answer this interrogatory with existing analyses and documents.

25. The Utilities Commission, City of New Smyrna Beach, objects to this interrogatory on the ground that it seeks to require the UCNSB to perform additional analyses and create new documents not already prepared. To the extent possible, the UCNSB will answer this interrogatory with existing analyses and documents.

41. The Utilities Commission, City of New Smyrna Beach, objects to this interrogatory on the ground that it seeks to require the UCNSB to perform additional analyses and create new documents not already prepared. To the extent possible, the UCNSB will answer this interrogatory with existing analyses and documents.

Respectfully submitted this 26th day of October, 1998.



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and

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CERTIFICATE OF SERVICE
DOCKET NO. 981042-EM

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (*) or by United States Mail, postage prepaid, on the following individuals this 26th day of October, 1998:

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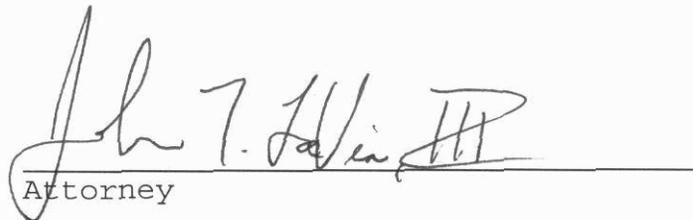
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