

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL  
FEB 19 AM 10:00

In Re: Adoption of Numeric Conservation  
Goals for Florida Power & Light Company

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)

Docket No. 971004-EG  
February 18, 1998

RECEIVED AND  
FILED

Florida Power & Light Company's Objections To and  
Request For Clarification Of LEAF's Second Request For  
Production of Documents To Florida Power & Light Company

Florida Power & Light Company ("FPL"), pursuant to Order No. PSC-98-0384-PCO-EG,  
raises the following requests for clarification and objections to the requests for production of  
documents in LEAF's Second Request For Production Of Documents to Florida Power & Light  
Company in Docket no. 971004-EG.

GENERAL OBJECTION

FPL has undertaken a preliminary review of the documents that may be called for in the  
requests for production, and in doing so has attempted to identify documents that may contain  
confidential, proprietary or privileged information. When such documents have been identified,  
FPL has raised an objection. However, the scope of the documents requested, the size of the  
Company, the number of people who may have to review documents for confidential, proprietary  
and privileged material, and the ten days afforded to raise objections, leaves FPL in the position  
that there may be additional documents identified as responsive that contain confidential,  
proprietary or privileged information. Therefore, FPL raises a general objection to providing  
documents that are confidential, proprietary or privileged.

SPECIFIC OBJECTIONS

- CK \_\_\_\_\_
- FA \_\_\_\_\_
- PP \_\_\_\_\_
- AF \_\_\_\_\_
- MU \_\_\_\_\_
- TR \_\_\_\_\_
- AG \_\_\_\_\_
- EG 1
- IN 5
- DPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_

1. Among the documents that are responsive are documents which are proprietary and  
confidential to FPL, Stone & Webster Management Consultants, Inc. and P Plus Corporation.  
FPL will produce for LEAF's review the responsive records which are confidential and  
proprietary upon LEAF's execution of nondisclosure agreements satisfactory to the parties which  
claim the documents to be confidential or proprietary. In the absence of LEAF executing  
satisfactory nondisclosure agreements, FPL objects to this request for production on the ground  
that it seeks material which is confidential to FPL, Stone & Webster Management Consultants,  
Inc. and P Plus Corporation, and it will limit its response to documents that are not confidential.

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2. Among the documents that are responsive are documents which are proprietary and confidential to FPL, Stone & Webster Management Consultants, Inc. and P Plus Corporation. FPL will produce for LEAF's review the responsive records which are confidential and proprietary upon LEAF's execution of nondisclosure agreements satisfactory to the parties which claim the documents to be confidential. In the absence of LEAF executing satisfactory nondisclosure agreements, FPL objects to this request for production on the ground that it seeks material which is confidential to FPL, Stone & Webster Management Consultants, Inc. and P Plus Corporation, and it will limit its response to documents that are not confidential.

9. FPL objects to this request for production because it provides no time limit and the scope of the request is so broad as to be unduly burdensome. FPL will provide in response to this request its most recent line loss study and related work papers, but it objects to searching for further documents unlimited by time or scope that may relate to line losses as being unduly burdensome and overly broad.

11. FPL has requested clarification of interrogatory 29 and reserves its opportunity to object to this request for production seeking documents identified in response to interrogatory 29 pending LEAF's clarification of interrogatory 29.

12. Among the documents that are responsive are documents which are proprietary and confidential to FPL, Stone & Webster Management Consultants, Inc. and P Plus Corporation. FPL will produce for LEAF's review the responsive records which are confidential and proprietary upon LEAF's execution of nondisclosure agreements satisfactory to the parties which claim the documents to be confidential. In the absence of LEAF executing satisfactory nondisclosure agreements, FPL objects to this request for production on the ground that it seeks material which is confidential to FPL, Stone & Webster Management Consultants, Inc. and P Plus Corporation, and it will limit its response to documents that are not confidential.

13. FPL has objected to interrogatory 36. Therefore, absent a narrowing of the request as requested in FPL's objection, there will not be any documents identified in response to interrogatory 36. FPL objects to this request for production as being vague and over broad.

14. FPL has objected to interrogatory 37. Therefore, absent a narrowing of the request as requested in FPL's objection, there will not be any documents identified in response to interrogatory 37. FPL objects to this request for production as being vague and over broad. FPL also objects to this request on the grounds that it seeks confidential information.

15. FPL has objected to interrogatory 38. Therefore, absent a narrowing of the request as requested in FPL's objection, there will not be any documents identified in response to interrogatory 38. FPL objects to this request for production as being vague and over broad. FPL also objects to this request on the grounds that it seeks confidential information.

16. FPL has objected to interrogatory 39. Therefore, absent a narrowing of the request as requested in FPL's objection, there will not be any documents identified in response to interrogatory 39. FPL objects to this request for production as being vague and over broad. FPL also objects to this request on the grounds that it seeks confidential information.

19. FPL has objected to the information requested in subsection e. of interrogatory 45; it is confidential to FPL and would place FPL in a disadvantage in negotiating with and contracting for services associated with O&M. Consequently, FPL objects to this request for production on the same grounds. FPL is willing to provide documents with this information to LEAF subject to the execution of a nondisclosure agreement satisfactory to FPL.

21. FPL objects to this request for production as calling for information which is proprietary and confidential to FPL. Sales of capacity by FPL are made in the competitive wholesale market, and the disclosure of documents which provide an assessment of FPL's opportunities for making sales would disadvantage FPL's ability to make such transactions and would advantage FPL's competitors. FPL is willing to provide documents responsive to this request for production subject to LEAF's execution of a nondisclosure agreement satisfactory to FPL.

22. FPL seeks clarification of this request and reserves the right to object to this request upon receiving LEAF's clarification. Please explain the terms "capacity solicitations" and "capacity sales offers" as used in Interrogatory 50. Specifically, is then interrogatory intended to ask about potential capacity sales to FPL or capacity sales by FPL? FPL objects to the portion of this request which asks FPL to provide documents describing in detail capacity solicitations and capacity sales offers to or by entities other than FPL in peninsular Florida. This request is vague, unduly burdensome in scope, and is not relevant or material to this proceeding and is not designed to lead to the discovery of admissible material.

23. FPL objects to this request as being vague, onerous, unduly burdensome and perhaps irrelevant and immaterial. Moreover, the request is not limited by time. The scope of the underlying interrogatory, applying to "environmental requirements," is much too broad. Some definition must be given as to what is meant by the term. Further, as it now stands the request would call for any environmental study ever performed by or on behalf of FPL, even if it had nothing to do with a power plant. The time and resources necessary to review files for such a broad, unfocused request cannot be justified, and in all likelihood LEAF could not review all the potentially responsive documents. FPL further objects on the grounds that some of the documents which might be responsive to this request are confidential and proprietary to FPL.

30. FPL has requested clarification regarding interrogatory 70. FPL reserves its right to object to this request for production, which asks for documents identified in response to interrogatory 70, pending receipt of the clarification sought.

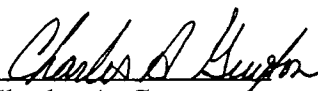
31. FPL objects to this request as being too broad and unduly burdensome. FPL will provide the Company's current budget projections of T&D expenditures. However, production of all work papers and analyses containing these projections is unduly burdensome. There are some 50 managers with T&D budget responsibility and some 15 service centers. Undertaking a production of all the work papers and analyses supporting the T&D budget from so many entities at so many different locations is unreasonable and of questionable relevance and materiality.

33. FPL objects to this request for production as being too broad and unduly burdensome. There is no time specified for this request. Documents addressing the need for specific facilities and their cost could be taken down to a very small level of detail. Documents that would be responsive to this incredibly broad request are spread throughout the Company's service territory. They could probably not be fully identified in thirty days and would take additional weeks to compile and review. The scope of this request is unreasonable. Is LEAF really looking for specific equipment detail, or is it looking for something more generic? As broad as the current request is, FPL must respectfully object.

38. FPL seeks clarification of this request. What is meant by "an electronic version of ... avoided cost calculations?" FPL has provided or will provide subject to satisfactory nondisclosure agreements written copies of both the inputs and outputs for each of the models used to calculate FPL's avoided costs. The calculations are performed internally within models that are proprietary. Is this intended to be a request for proprietary models? FPL reserves its right to object to this request pending clarification.

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Attorneys for Florida Power &  
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By:   
Charles A. Guyton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Objections to and Request for Clarification of LEAF's Second Request for Production of Documents to FPL served by Hand Delivery (when indicated with an \*) or mailed this 18th day of February, 1999 to the following:

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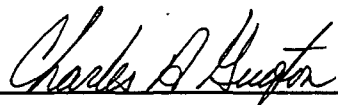
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