



ORIGINAL

May 25, 1999

Ms. Blanca Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0950

RE: Docket No.: 971004-EG, Adoption of conservation goals for Florida Power and Light

Dear Ms. Bayo:

Enclosed, for filing in the docket referenced above, are the original and ten copies of LEAF's Motion to Compel FPL's Response to Certain LEAF Interrogatories.

Please document this filing by stamping the attached copy of this letter. Thank you for your assistance in this matter. If you have questions, please let me know.

Sincerely,

Debra Swim  
Senior Attorney  
Energy Advocacy Project

Enclosures

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG 5 Futrell
- LEG \_\_\_\_\_
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
- RRR \_\_\_\_\_
- SEC \_\_\_\_\_
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

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FPSC-RECORDS/REPORTING

A Public Interest Law Firm

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Numeric Conservation  
Goals for Florida Power & Light Company

DOCKET NO.: 971004-EG

**LEAF'S MOTION TO COMPEL FPL'S RESPONSE  
TO CERTAIN LEAF INTERROGATORIES TO FPL**

Intervenor, Legal Environmental Assistance Foundation, Inc., ("LEAF"), pursuant to Rules 28-106.201 and 28-106.206, Florida Administrative Code (FAC), and Florida Rules of Civil Procedure 1.380 moves to compel responses to certain interrogatories posed by LEAF to Florida Power and Light Company ("FPL"). As grounds therefore, LEAF states:

**1. *Inadequate References***

FPL's response to LEAF interrogatories 11 and 42 identify documents by stating they are listed in Attachment 2 of FPL's response to LEAF interrogatory 4. This blanket reference to a list of documents, some of which appear unrelated to the questions asked, conflicts with the requirement in Florida Rule of Civil Procedure 1.340 that FPL answer "each interrogatory separately and fully". LEAF asks that the Commission direct FPL to separately specify the documents the company believes are responsive to these interrogatories-- rather than provide this blanket reference to a list of documents.

**2. *Erroneous Assumptions***

a. LEAF's Second Set of Interrogatories defines avoided costs as "the avoided resource costs used in the cost-effectiveness screening that forms the basis for the Company's conclusions regarding DSM cost effectiveness in this case." Rather than using this definition, FPL's responses to LEAF Interrogatory numbers 10a-g, 11, 41b-h, 44a-c& e-f, and 63d apply a different definition. LEAF asks that the Commission direct FPL to respond to these LEAF interrogatories using the avoided cost definition LEAF provided.

b. LEAF's Second Set of Interrogatories define "goal-setting period" as the ten year period referred to in Rule 25-17.0021(1) and (3), FAC. In responding to LEAF interrogatory number 43, FPL states that the "avoided cost projection period" is 30 years. In responding to Interrogatory numbers 31, and 41a-h, FPL erroneously assumes the Company's avoided cost projection period is the goal setting period. LEAF asks that the Commission direct FPL to respond to LEAF interrogatory numbers 31 and 41a-h assuming the 30 year avoided cost projection period assumed in FPL response to interrogatory number 43.

c. LEAF interrogatory numbers 53 and 54 ask about avoided energy costs. FPL's response addresses avoided new generation capacity costs. Energy costs reflect costs of all FPL generation facilities, not just the new generation capacity costs addressed in FPL's response. LEAF asks that the Commission direct FPL to provide the requested energy cost information.

d. LEAF interrogatory number 56 asks for emissions in lbs/MMBTU. FPL's response provides tons/year. LEAF asks that the Commission direct FPL to respond in lbs/MMBTU.

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- e. Adding an annual fixed charge (in \$/kW-yr) to an avoided investment per kW (that is not annualized) cannot produce a total annual fixed cost in \$/kW-yr. FPL's responses to LEAF interrogatory numbers 63d, 64d, 66d, and 67d erroneously assumes such a product can be derived. LEAF asks that the Commission direct FPL to provide the total fixed cost in \$/kW-yr as the questions request.
- f. LEAF interrogatory numbers 65 and 69 ask about the plant additions associated with the transmission and distribution cost components of the Company's avoided cost estimate. FPL's response assumes LEAF was asking about new generating unit additions. This assumption is inaccurate and unreasonable. LEAF asks that the Commission direct FPL to instead respond to these questions assuming that LEAF interrogatory number 65 asks about transmission-related plant additions and that LEAF interrogatory number 68 asks about distribution-related plant additions.

### **3. *Faulty Transcription***

FPL's response incorrectly transcribes LEAF interrogatory 28b (should read "available" not "variable"). LEAF asks that the Commission direct FPL to respond to the question as asked. Also, FPL's response to LEAF interrogatory number 28 states FPL does not have load data by voltage level. Further, documentation which FPL has provided LEAF in response to Requests for Production indicate FPL does have some load data by voltage level. LEAF asks that the Commission direct FPL to respond using the load data it has.

### **4. *Costing periods***

FPL's response to LEAF interrogatory number 27 identifies costing periods (i.e., blocks of hours under a load duration period) but fails to provide cost estimates by costing period as requested. LEAF asks that the Commission direct FPL to provide the information interrogatory number 27 requests for the costing periods FPL's response describes. In addition, we ask that FPL's response to LEAF interrogatory number 44g also provide information for those same costing periods.

WHEREFORE, LEAF moves that the Commission grant this motion to compel and direct FPL to respond as described herein.

Respectfully submitted,



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Debra Swim, Esquire  
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(904) 681-2591

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing LEAF's Motion to Compel FPL's Responses to Certain LEAF Interrogatories were hand delivered (when indicated by \*) or mailed this 25th day of May, 1999 to:

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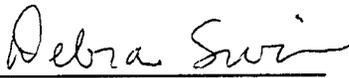
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