

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Generic investigation into the  
aggregate electric utility reserve margins  
margins planned for Peninsular Florida

DOCKET NO. 981890-EU

September 10, 1999

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**FLORIDA POWER CORPORATION'S OBJECTIONS TO  
STAFF'S SECOND SET OF INTERROGATORIES (NO. 48)**

Florida Power Corporation ("FPC"), by its attorneys, hereby objects to Staff's Second Set of Interrogatories to Florida Power Corporation (No. 48), which counting interrogatories No.'s 1-47 including subparts and compound interrogatories exceeds the number of permissible interrogatories, and states:

**I. General Objections**

FPC objects to this proceeding going forward under Fla. Stat. § 120.57 which permits discovery to be made under to Florida Rule of Civil Procedure 1.340 as inappropriate to an investigation. Nevertheless, since the Commission does have independent statutory authority to obtain information as part of an investigation, FPC hereby responds to Staff's interrogatories by, inter alia, asserting the following objections.

FPC objects to the instructions set forth in the first paragraph of Staff's First Set of Interrogatories to the extent that they purport to impose upon FPC obligations that FPC does not have under the law that Staff invokes. In this connection, FPC objects to the instructions: that the interrogatories be answered by "you or your agent" who is qualified and who will be identified"; that each "answer be signed by the person making it"; and that FPC "[g]ive the name, address and relationship to the utility of those persons providing the answers to each of the following interrogatories."

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FPC objects to the number of interrogatories as exceeding the permissible number of interrogatories as set forth in the Commission's April 20, 1999 Order establishing procedure. The actual number of interrogatories, including subparts and compound interrogatories, even conservatively counted exceed 140 separate interrogatories, which well exceeds the 100 interrogatory limit set by the Commission's Order.

Further, Staff has purported to serve its discovery requests in accordance with Florida Rule of Civil Procedure 1.340. The PSC's Order Establishing Procedure, however, purports to expand the number of permissible interrogatories beyond the number permitted by that Rule and issued in the absence of a motion or the necessary demonstration of good cause why a larger number of interrogatories and is necessary.

FPC is uncertain as to the actual scope of issues presented by this docket and thus, objects to the interrogatories as irrelevant, immaterial, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

FPC objects to any interrogatory that calls for the creation of information as opposed to the reporting of presently existing information as purporting to expand FPC's obligations under the law the Staff invokes.

FPC objects to any interrogatory that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time response is first made to these interrogatories or is later determined to be applicable for any reason. FPC in no way intends to waive any such privilege or protection.

FPC incorporates by reference all of the foregoing general objections into each of its specific objections set forth below as though pleaded therein.

Respectfully submitted,

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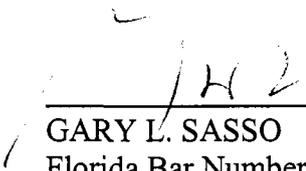
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