



responding to the subject LEAF interrogatories, FPL should assume the period/duration of the peak referred to therein equates to the period/duration of the peak referred to in Issue 3A. Presumably, from FPL's perspective, this would be the same peak period(s)/duration(s) that the Company used to conduct the plant availability assessments set forth in the initial testimony filed herein by FPL witness Roberto R. Denis (which states FPL has assessed plant availability during peak<sup>1</sup> for "both the Summer and Winter peak load" p. 17, line 3.)

6. FPL claims, without explanation -- and despite the specific definition LEAF has provided -- that the meaning of "assign an availability factor" is unclear. LEAF's interrogatories define "availability factor" as "the percentage of time that a power generation plant is capable of providing service to meet the Company's load, whether or not that plant is actually in service, expressed as a percent available for the period under consideration." The verb "assign" is commonly understood to mean attribute, associate, or credit. For the purposes of responding to said LEAF interrogatories, FPL should state whether it would assign an availability factor to a plant with the availability described (i.e., a plant that can provide service during peak 50% of the time) and, if so, state what that factor would be, or, if not, state why no factor would be assigned.

#### Interrogatory 4

7. FPL claims it is unclear how availability is related to dispatchability. The question does not ask how availability is related to dispatchability, nor is its meaning unclear. It asks if FPL considers a plant that is available 50% of the time to be dispatchable. In responding to this question, FPL should assume the obvious: i.e., that a plant which is never available is never dispatchable and that a plant which is available 100% of the time is dispatchable 100% of the time -- and state whether the company would consider a plant that is available 50% of the time to be dispatchable.

#### Interrogatories 5, 6, 7, 8, & 9

8. LEAF Interrogatories 5 - 9 ask, in effect, whether, and if so, how, or if not why not, FPL calculates the capacity value of energy service facilities for resource planning purposes. Despite the specific definition contained in LEAF's interrogatories, FPL claims, without explanation, that the meaning of "capacity value for energy service facilities" is unclear. The meaning is clear. LEAF's interrogatories define "capacity value" as "the continuous load-

---

<sup>1</sup>FPL Witness' s testimony makes the following references to peak periods so assessed: "the amount of capacity (MW) available at the peak hour" (p. 18, line 21 and p. 19, lines 1 and 4); "peak hour capabilities" (p. 19, line 21); and "the capacity available at peak" (p. 23, line 21).

carrying ability of an energy service facility, expressed in megawatts (MW) or megavolt-amperes (MVA) of generation, transmission, or other electrical equipment or in MW-reductions and MVA-reductions for demand-side resources.” FPL’s vague and unexplained claim does not excuse FPL from responding to LEAF’s question.

Interrogatory 10

9. The answer to LEAF Interrogatory 10 is both relevant, and calculated to lead to information that is relevant, in this docket. Interrogatory 10 asks FPL to state the lowest, the mean, and the highest, price that it paid for wholesale capacity and energy purchased (other than pursuant to a contract with an Independent Power Producer) over the past three years. FPL’s payment for such capacity and energy determines the relative cost of energy service options -- and must be known to enable evaluation of energy service options that could provide equal or greater reliability for lesser cost. The reliability and cost of energy service options is relevant to the Commission’s consideration of a reserve margin or other reliability criterion to best to meet the energy service reliability needs of Peninsula Florida customers (and to Issues, 1, 2, & 3/particularly 3B, 12, 14, 15, 16, 17, &19 on the list attached to Order No. PSC-99-1274-PCO-EU).

10. FPL’s claim that the information sought is confidential and proprietary does not justify a failure to respond. The Order Establishing Procedure (Order No. PSC-99-0760-PCO-EU) directs parties to treat “any information provided pursuant to a discovery request for which proprietary confidential business information status is requested” as “confidential” and makes further provisions (as do the Commission’s rules) to protect proprietary confidential business information from disclosure. Were there additional need, FPL could also, though it has not done so, seek further protection through a non-disclosure agreement such as LEAF and FPL have entered in prior proceedings.

11. FPL claims responding would be unduly burdensome since it has not previously compiled the information sought. Even if FPL has not previously compiled the cost information LEAF seeks for its own evaluation, the company is not excused from responding to LEAF’s interrogatory since Florida Rule of Civil Procedure 1.340 (adopted by reference in 28-106.206, F.A.C. and applicable in this proceeding via Order Nos. PSC-99-0839-PCO-EU; PSC-99-0760-PCO-EU; PSC-99-1274-PCO-EU; and PSC-99-1716-PCO-EU), authorizes the Company to produce the underlying records upon a showing that the burden of deriving the answer is substantially the same for LEAF as for FPL.

Interrogatories 11 & 12

12. FPL's restatement of its general objection is the only objection to these interrogatories. Paragraph two, as noted therein, adopts LEAF's response to this objection.

13. LEAF has incurred expenses in bringing this motion.

14. LEAF has not been able to reach counsel for FPL to ascertain FPL's position on this motion.

WHEREFORE, LEAF moves that the Commission issue an order directing FPL to answer LEAF's interrogatories and reimburse LEAF's expenses in bringing this motion.

Respectfully submitted,



DEBRA SWIM

Legal Environmental Assistance Foundation, Inc.  
1114 Thomasville Rd, Suite E  
Tallahassee, FL 32303-6290  
(850) 681-2591

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and ten true copies of the foregoing Motion for Order to Compel Discovery were hand delivered to the Florida Public Service Commission, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0950, and that a true copies was sent by U.S. mail, or hand delivered (when indicated by\*) this 16th day of September, 1999 to:

Robert V. Elias\*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Paul Sexton  
Thornton J. Williams, Esquire  
Thornton Williams & Associates  
P.O. Box 10109  
Tallahassee, FL 32302

Matthew M. Childs\*  
Charles Guyton\*  
Steel Hector & Davis  
215 S. Monroe Street, Suite 601  
Tallahassee, FL 32301-1804

Jeffrey A. Stone  
Beggs & Lane  
P.O. Box 12950  
Pensacola, FL 32756-2950

Michelle Hershel  
Florida Electric Cooperative Association  
P.O. Box 590  
Tallahassee, FL 32302

Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin et al  
117 S. Gadsden Street  
Tallahassee, FL 32301

John W. McWhirter, Jr.  
McWhirter, Reeves, McGlothlin et al  
P.O. Box 3350  
Tampa, FL 33601-3350

Sheff Wright  
Landers & Parsons  
P.O. Box 271  
Tallahassee, FL 32301

John Roger Howe  
Office of Public Counsel  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399

James A. McGee  
Florida Power Corporation  
P.O. Box 14042  
St. Petersburg, FL 33733

Richard A. Zambo  
598 SW Hidden River Avenue  
Palm City, FL 34990

Jon Moyle  
Mole, Flanigan, Katz, Kolins, et al  
The Perkins House  
118 North Gadsden Street  
Tallahassee, FL 32301

Lee L. Willis  
James D. Beasley  
Ausley & McMullen  
P.O. Box 391  
Tallahassee, FL 32302

Frederick M. Bryant  
FL Municipal Power Agency  
2010 Delta Boulevard  
Tallahassee, FL 32315

Ken Wiley  
FL Reliability Coordinating Council  
405 Reo Street, Suite 100  
Tampa, FL 33609

Gary Lawrence  
City of Lakeland  
501 East Lemon Street  
Lakeland, FL 32961

Rex Taylor  
City of Vero Beach  
P.O. Box 1389  
Vero Beach, FL 32961

Raymond O. Manasco, Jr.  
Gainesville Regional Utilities  
P.O. Box 147117  
Station A-138  
Gainesville, FL 32614

Ben Sharma  
Kissimmee Utility Authority  
P.O. Box 423219  
Kissimmee, FL 34742

Harvey Wildschuetz  
City of Lake Worth Utilities  
1900 Second Avenue, North  
Lake Worth, FL 33461

Charles A. Russell  
Florida Keys Electric Cooperative  
P.O. Box 377  
Tavernier, FL 33070

Tracy E. Danese  
Jacksonville Electric Authority  
21 West Church Street  
Jacksonville, FL 32202

Gary Sasso  
Carlton Fields  
P.O. Box 2861  
St. Petersburg, FL 33731

James Swartz  
City of Homestead  
675 N. Flagler Street  
Homestead, FL 33030

J. Paul Wetzel  
City of St. Cloud  
1300 Ninth Street  
St. Cloud, FL 34769

Thomas W. Richards  
Fort Pierce Utilities  
P.O. Box 3191  
Ft. Pierce, FL 34948

Dean Shaw  
City of Ocala  
P.O. Box 1270  
Ocala, FL 34478

Timothy Woodbury  
Seminole Electric Coop.  
P.O. Box 272000  
Tampa, FL 33688

Richard G. Feldman  
City of Tallahassee  
300 South Adams Street  
Tallahassee, FL 32301

T. B. Tart  
Orlando Utilities Comm.  
P.O. Box 3193  
Orlando, FL 32802

Larry J. Thompson  
Utility Board of the City of Key West  
P.O. Drawer 6100  
Key West, FL 33041

Robert C. Williams  
Florida Municipal Power Agency, Suite  
100  
7201 Lake Ellenor Drive  
Orlando, FL 32809

Utilities Commission  
City of New Smyrna Beach  
Ronald L. Vaden  
Post Office Box 100  
New Smyrna Beach, FL 32170

Reedy Creek Improvement District  
Willard Smith/Fran Winchester  
P.O. Box 10175  
Lake Buena Vista, FL 32830

Thomas J. Maida  
Foley and Lardner  
300 East Park Avenue  
Tallahassee, FL 32301

Kenneth A. Hoffman  
Rutl'ge, Ecenia, Purnell & Hoffman, PA.  
P.O. Box 551  
Tallahassee, FL 32302



---

Debra A. Swim  
Legal Environmental Assistance  
Foundation, Inc  
1114 Thomasville Road, Suite E  
Tallahassee, FL 32303-6290.  
(850) 681-2591