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September 22, 1999

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

In re: Generic investigation into the aggregate electric utility reserve
margins planned for Peninsular Florida
Docket No. 981890-EU

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of the
following documents:

- 1. Florida Power Corporation's Objections to the Florida Industrial Power Group's
First Set of Interrogatories; and 11500-99
2. Florida Power Corporation's Objections to Florida Industrial Power Group's
Request for Production. 11501-99

I also provided a disc of these documents for your convenience.

We request you acknowledge receipt and filing of the above by stamping the additional
copy of this letter and returning it to me in the self-addressed, stamped envelope provided.

If you or your Staff have any questions regarding this filing, please contact me at (727)
821-7000.

Very truly yours,

Gary L. Sasso
Gary L. Sasso jc

- AFA 2
APP
CAF
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CTR
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MAS 5
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SEC 1
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Enclosures
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FPSC-BUREAU OF RECORDS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

|                                 |   |  |
|---------------------------------|---|--|
| In re: Generic investigation    | ) |  |
| into the aggregate electric     | ) | DOCKET NO. 981890-EU                     |
| utility reserve margins planned | ) |  |
| for Peninsular Florida.         | ) | Submitted for filing: September 23, 1999 |
| _____                           | ) |  |

**FLORIDA POWER CORPORATION'S  
OBJECTIONS TO THE FLORIDA INDUSTRIAL POWER  
GROUP'S FIRST SET OF INTERROGATORIES**

Florida Power Corporation (FPC) serves the following objections to The Florida Industrial Power Group's (FIPUG) First Set of Interrogatories to Florida Power Corporation (Nos. 1-16).

**General Objections**

This proceeding is an investigation, not an adjudication. While the Commission has the prerogative to request regulated companies to produce documents and other information pertinent to an investigation, third parties, including FIPUG, do not have that prerogative. The rules promulgated to implement Chapter 120, Fla. Stat., do not apply to a Commission investigation, as distinguished from an adjudication.

FPC objects to responding to FIPUG's interrogatories, which in the context of an investigation as described above are unauthorized and improper.

Without waiving this objection, FPC in order to preserve its rights also makes, inter alia, both general and specific objections to FIPUG's interrogatories under the law FIPUG invokes.

FPC objects to the "Definitions and Instructions" included in FIPUG'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 FIPUG invokes. In this connection, FPC objects to the instructions: that "relevant page or pages and line or lines" of documents be identified; that "the present location

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

and custodian of the original and all copies of” documents be recited; that documents identified “shall include” all those “which you have knowledge of”; that information “available to another person” should be identified and described; and that FPC give the “name, address telephone number, and position of the person responsible for providing the answer.”

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 FIPUG 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 objects to any interrogatory that calls for confidential proprietary business information and/or the compilation of information that is considered confidential proprietary business information.

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

### **Specific Objections**

#### Interrogatory # 1

FPC objects to this interrogatory relating to actual curtailments or purchases of buy-through power as irrelevant and immaterial to the Commission’s identified investigation into the

appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida. This request is an attempt to obtain detailed system information relating to FPC's proper treatment of non-firm customers, which is not at issue in this reserve margin investigation.

Without waiving these objections, FPC states that information that may be responsive to this interrogatory has previously been provided in response to Staff's First Set of Interrogatories # 26 in the manner in which it is kept in the normal course of FPC's business.

Interrogatory # 2

FPC objects to this interrogatory as irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida.

Interrogatory # 3

FPC objects to this interrogatory as irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida.

Interrogatory # 4

FPC objects to this interrogatory as overbroad, unduly burdensome, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida, which are tied to seasonal (winter and summer) system peaks not monthly peaks. Without waiving these objections, FPC states that information responsive to this interrogatory's sub-section (a) has previously been provided in response to Staff's First Set of Interrogatories # 25 and #28.

Interrogatory # 5

FPC objects to this interrogatory as irrelevant, immaterial, speculative, lacking in basis, foundation or probability, and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida. Furthermore, Florida Power does not consider this a reasonable or likely planning scenario and does not assess this in its planning process.

Interrogatory # 6

FPC objects to this interrogatory as irrelevant, immaterial, speculative, lacking in basis, foundation or probability, and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida.

Interrogatory # 7

FPC objects to this interrogatory as unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida. This request is an attempt to obtain detailed system information relating to FPC's proper treatment of non-firm customers, which is not at issue in this reserve margin investigation. Without waiving this objection, FPC states that information relating to the interruption of its non-firm customers, both curtailable and interruptible, has been provided in response to Staff's First Set of Interrogatories # 26 in the manner in which it is kept in the normal course of FPC's business.

Interrogatory # 8

FPC objects to this interrogatory as overbroad, unduly burdensome, and as irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence relating

to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida. This request is an attempt to obtain detailed system information relating to FPC's proper treatment of non-firm customers, which is not at issue in this reserve margin investigation. Without waiving this objection, FPC states that information relating to the buy-through power has been provided in response to Staff's First Set of Interrogatories # 26 in the manner in which it is kept in the normal course of FPC's business.

Interrogatory # 9

FPC objects to this interrogatory as vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida.

Interrogatory # 10

FPC objects to this interrogatory as unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida. Without waiving this objection, FPC states that information relating to the interruption of its non-firm customers, both curtailable and interruptible, has been provided in response to Staff's First Set of Interrogatories # 26 in the manner in which it is kept in the normal course of FPC's business.

Interrogatory # 11

FPC objects to this interrogatory as irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida. There is no issue in this docket regarding the methodology or calculation of a "capacity margin."

Interrogatory # 12

FPC objects to this interrogatory as irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida. There is no issue in this docket regarding the methodology or calculation of a “capacity margin.” FPC further objects to this request to the extent FIPUG purports to speak on behalf of NERC, which is not a party to this investigative proceeding.

Interrogatory # 13

FPC objects to this interrogatory as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida. FPC (individually) and FRCC (aggregately) both properly account for all FPC’s firm power purchases as a part of its total firm capacity in calculating seasonal reserve margins. More specific information concerning FPC’s “off-system” purchases will add nothing to the Commission’s investigation, and as such, this request clearly falls outside the proper scope of this docket.

Interrogatory # 14

FPC objects to this interrogatory as vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida.

Interrogatory # 15

FPC objects to this interrogatory as irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida.

Interrogatory # 16

FPC objects to this interrogatory as irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence relating to the appropriate methodology for calculating reserve margins for individual utilities and/or Peninsular Florida.

Respectfully submitted,

FLORIDA POWER CORPORATION

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing FLORIDA POWER CORPORATION'S OBJECTIONS TO THE FLORIDA INDUSTRIAL POWER GROUP'S FIRST SET OF INTERROGATORIES has been furnished via U.S. Mail to all counsel of record listed below this 23 day of September, 1999.

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