

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

**FLORIDA POWER CORPORATION'S OBJECTIONS TO
THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
(NOS. 1 - 6)**

FLORIDA POWER CORPORATION (FPC), by its attorneys, hereby responds to The Florida Industrial Power Group's (FIPUG) First Request for Production of Documents to Florida Power Corporation (Nos. 1-6) as follows:

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 production request, 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 production request under the law FIPUG invokes. FPC objects to the request that documents be produced to McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman, Arnold & Steen, P.A., 117 South Gadsden Street, Tallahassee, Florida, 32301. FPC is required only to produce documents at a reasonable time, place, and manner.

FPC objects to any request that calls for the production of documents 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 requests or is later determined to be applicable based on the discovery of documents, investigation, or analysis. FPC in no way intends to waive any such privilege or protection.

FPC objects to any request that seeks the production of confidential proprietary business information and/or the compilation of information that is considered confidential proprietary business information.

FPC further objects to these requests and any definitions or instructions that purport to expand FPC's obligations under applicable law.

FPC objects to any request that requires the production of "all" or "each" as it cannot give assurances, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be found. Indeed, it may well be impossible to assure compliance with the exercise of reasonable diligence.

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

Request # 1

FPC objects to this request's direction that FPC "[p]rovide the date this protocol . . ." as inappropriate to a production request. Without waiving this objection, FPC states that objections relevant to and information and documents responsive to this request have been provided in response to Staff's First Set of Interrogatories # 24.

Request # 2

FPC states that objections relevant to and information and documents responsive to this request have been provided in response to Staff's First Set of Interrogatories # 24.

Request # 3

FPC objects to this request 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. 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.

Request # 4

FPC objects to this request 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. 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.

Request # 5

FPC objects to this request as unduly burdensome. Without waiving those objections, FPC states that objections relevant to and information and documents responsive to this request

have been provided in response to Staff's First Set of Interrogatories # 31, and is otherwise available at the Commission.

Request # 6

FPC objects to this request 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 Peninsular Florida. FPC (individually) and FRCC (aggregately) properly account for all firm wholesale contracts as a part of firm peak capacity and/or firm peak load as appropriate in calculating seasonal reserve margins. More specific information concerning FPC's wholesale contracts will add nothing to the Commission's investigation, and as such, this request clearly falls outside the proper scope of this docket. FPC further states that all Wholesale Contracts are filed with FSPC.

Respectfully submitted,

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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 REQUEST FOR PRODUCTION OF DOCUMENTS has been furnished via U.S. Mail to all counsel of record listed below this 22nd day of September, 1999.

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