

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Petition for Determination of)
Need for an Electrical Power Plant in)
Okeechobee County by Okeechobee)
Generating Company, L.L.C.)

DOCKET NO. 99-1462-EU
RECORDS AND REPORTING
FILED: OCTOBER 29 1999

OKEECHOBEE GENERATING COMPANY'S OBJECTIONS
TO FLORIDA POWER CORPORATION'S FIRST REQUEST FOR ADMISSIONS

Okeechobee Generating Company, L.L.C. ("OGC"), pursuant to the Order Establishing Procedure issued in this docket on October 13, 1999, hereby respectfully submits its objections to Florida Power Corporation's ("FPC") First Request for Admissions, which were served on OGC on October 19, 1999.

GENERAL OBJECTIONS

OGC objects to FPC's First Request for Admissions on the grounds set forth in paragraphs A-E below. Each of OGC's responses will be subject to and qualified by these general objections.

A. FPC is not a party to this proceeding. Accordingly, OGC objects to FPC's First Request for Admissions in their entirety. Rule 1.340, Florida Rules of Civil Procedure ("FRCP"), which is made specifically applicable to this proceeding by Uniform Rule 28-106.206, Florida Administrative Code, authorizes only parties to propound discovery. If FPC is made a party to this proceeding, OGC

will respond as set forth in General Objection B.

B. OGC objects to FPC's request that the answers to these requests be provided on or before October 29, 1999. Rule 1.370,

FRCP, requires that responses to requests for admissions shall be served within 30 days of service of the requests. However, in an

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC RECORDS/REPORTING

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CIR _____
- EAG 2/16
- LEG 3
- MAS _____
- OPC _____
- PAI _____
- SEC 1
- WAW _____
- OTH _____

effort to be reasonable and to accommodate the orderly progress of this proceeding, OGC stated in its Response and Memorandum of Law in Opposition to FPC's Motion to Expedite Discovery and Motion for Alternate Expedited Discovery Schedule, filed with the Commission on October 26, 1999, that OGC will agree to respond to FPC's discovery requests as follows. OGC will respond within 20 days of service if FPC has been granted party status within such 20-day period, and, if FPC has not been granted party status within 20 days following service of its discovery requests, OGC will respond within two working days of receipt of notice that FPC has been granted party status.

C. OGC objects to any request for admission 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 requests or is later determined to be applicable for any reason. OGC in no way intends to waive any such privilege or protection.

D. OGC objects to any request for admission that calls for confidential proprietary business information and/or the compilation of information that is considered confidential proprietary business information.

E. OGC objects to any request for admission that calls for a

legal conclusion.

SPECIFIC OBJECTIONS

OGC makes the following specific objections to FPC's First Request for Admissions. OGC's specific objections are numbered to correspond with the numbering of FPC's requests.

29. OGC objects to this request as vague. OGC has no independent knowledge of what "Florida retail utilities are planning" to do.

30. OGC objects to this request as vague. OGC has no independent knowledge of what "Florida utilities are projecting."

41. OGC objects to this request as beyond the scope of discovery permitted by the FRCP. "PG&E," as defined by FPC, is not a party to this proceeding and is not required to respond to discovery.

42. OGC objects to this request as beyond the scope of discovery permitted by the FRCP. "PG&E," as defined by FPC, is not a party to this proceeding and is not required to respond to discovery.

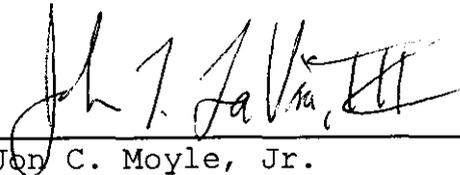
43. OGC objects to this request as beyond the scope of discovery permitted by the FRCP. "PG&E," as defined by FPC, is not a party to this proceeding and is not required to respond to discovery.

44. OGC objects to this request as beyond the scope of discovery permitted by the FRCP. "PG&E," as defined by FPC, is not

a party to this proceeding and is not required to respond to discovery.

55. OGC objects to the form of this request for admission. The request is vague and argumentative and is a compound statement.

Respectfully submitted this 29th day of October, 1999.



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CERTIFICATE OF SERVICE
DOCKET NO. 991462-EU

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (*), facsimile transmission (**) or by United States Mail, postage prepaid, on the following individuals this 29th day of October, 1999.

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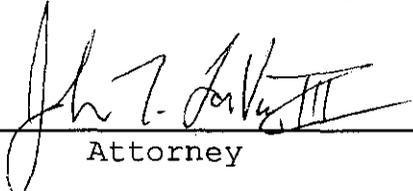
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