

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of) Docket No. 001148-EI
Florida Power & Light) Dated: October 30, 2001
Company.)
_____)

**FLORIDA POWER & LIGHT COMPANY'S
CONSOLIDATED OBJECTIONS TO STAFF'S
FIFTH SET OF INTERROGATORIES (NOS. 213-216)
AND FIFTH REQUEST FOR PRODUCTION OF
DOCUMENTS (NOS. 17 - 22)**

Florida Power & Light Company ("FPL") hereby submits the following consolidated objections to Staff's Fifth Set of Interrogatories (Nos. 213-216) (the "Interrogatories") and Fifth Request for Production of Documents (Nos. 17-22) (the "Requests") to FPL:

I. PRELIMINARY NATURE OF THESE OBJECTIONS

The objections stated herein are preliminary in nature and are filed pursuant to the requirement that objections be served within ten days of service of discovery requests. Should additional grounds for objection be discovered as FPL develops its responses, FPL reserves the right to supplement or modify its objections up to the time it serves its responses. Should FPL determine that a protective order is necessary regarding any of the information requested of FPL, FPL reserves the right to file a motion with the Commission seeking such an order at the time its response is due.

II. GENERAL OBJECTIONS

1. FPL objects to each Interrogatory and Request to the extent it calls for production or disclosure of 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

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protection afforded by law, whether such privilege or protection appears at the time response is first made or is later determined to be applicable for any reason. FPL in no way intends to waive such privilege or protection.

2. FPL objects to any Interrogatory or Request that seeks the production of confidential or proprietary business information and/or the compilation of information that is considered confidential or proprietary business information. FPL has not had sufficient time to determine whether the discovery requests call for the disclosure of such information. However, if it so determines, it will either file a motion for protective order requesting confidential classification and procedures for protection or take other actions to protect the confidential information requested. FPL in no way intends to waive claims of confidentiality.

3. FPL objects to each Interrogatory and Request that seeks information about, or in the custody of, FPL's affiliates to the extent that such discovery requests exceed the proper scope of the Commission's inquiry about utility affiliates and/or the proper scope of discovery. As noted in FPL's objections to the South Florida Hospital and Healthcare Association's First Set of Interrogatories and Request for Documents, the jurisdiction of the Commission concerning the parent and affiliates of a utility is limited. *See* §§366.05(9) and 366.093(1), Fla. Stat. (2000). Moreover, the scope of discovery from a party is limited to documents within the possession, custody or control of that party. *See, e.g., Southern Bell Telephone and Telegraph Co. v. Deason*, 632 So.2d 1377 (Fla. 1994).

4. FPL objects to each Interrogatory and Request to the extent that it seeks information that is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

5. FPL objects to the instructions and to each Interrogatory and Request to the extent that they purport to impose upon FPL obligations that FPL does not have under the law or applicable rules of procedure.

6. FPL is a large corporation with employees located in many different locations. In the course of its business, FPL creates numerous documents that are not subject to Commission's or other governmental record retention requirements. These documents are kept in numerous locations and frequently are moved from site to site as employees change jobs or as business is reorganized. Therefore, it is possible that not every relevant responsive document can reasonably be consulted in developing FPL's response. Rather, FPL's responses will provide all the information that FPL obtained after a reasonable and diligent search conducted in connection with this discovery request. To the extent that the discovery requests propose to require more, FPL objects on the grounds that compliance would impose an undue burden or expense on FPL.

7. FPL objects to the request that responsive documents be produced at the Commission's Tallahassee offices. FPL is required only to produce documents at a reasonable time, place, and manner.

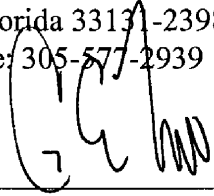
8. FPL objects to the Interrogatories and Requests to the extent that they require FPL to create documents not already in existence.

9. FPL has not identified any separate specific objections to the individual Interrogatories and Requests, but asserts the foregoing general objections with respect to each Interrogatory and Request as though separately stated therefor.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail this 30 day of October, 2001, to the following:

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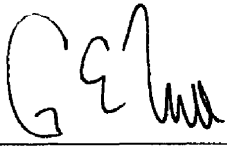
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