



JACK SHREVE
PUBLIC COUNSEL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison St.
Room 812
Tallahassee, Florida 32399-1400
850-488-9330

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November 13, 2001

Blanca S. Bayo, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 000824-EI

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Motion to Require FPC to Produce Documents in Tallahassee, on Due Date.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck,
Deputy Public Counsel

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CTR _____ Enclosure
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power)
Corporation's earnings, including)
effects of proposed acquisition of)
Florida Power Corporation by)
Carolina Power & Light)

Docket No. 000824-EI

Filed November 13, 2001

**CITIZENS' MOTION TO REQUIRE FPC TO PRODUCE DOCUMENTS IN
TALLAHASSEE ON DUE DATE**

The Citizens of Florida, by and through Jack Shreve, Public Counsel, file this motion requesting the Prehearing Officer to order Florida Power Corporation (FPC) to produce documents responsive to requests for production of documents in Tallahassee on the date due for the response. In support of this motion Citizens state the following:

1. Since Florida Power Corporation filed its initial set of MFRs in this proceeding on September 14, 2001, Citizens have served seven sets of requests for production of documents to FPC.

2. In the experience of Citizens' attorney, most if not all major utilities regulated by the Florida Public Service Commission respond to requests for production of documents by producing copies of documents in Tallahassee on the due date for the response to the request. On occasion, production of documents may be extremely voluminous, and in those instances Citizens work successfully with the companies before the due date to work out a mutually acceptable arrangement for the time and place of production.

3. Florida Power Corporation, however, generally takes the position that it will file its written response on the due date and make the documents available for inspection at the office of its attorneys in St. Petersburg, Florida. It then takes up to two additional weeks to deliver bates stamped copies of the documents to Tallahassee.

4. Florida Power Corporation's insistence on this procedure results in an excessive delay before Citizens receive copies of documents. Once finally received, these documents must then be copied by Citizens to deliver to Citizens' consultants.

5. The date for filing intervenor testimony is quickly approaching. Citizens believe that the delay caused by Florida Power Corporation's procedure will adversely affect our ability to file testimony on the date set forth in the order establishing procedure.

6. At the request of Florida Power Corporation, Citizens have e-mailed a copy of every discovery request since the first set of requests for production of documents to a person designated by the company. Even though Florida Power Corporation receives the requests in a convenient electronic format on the date filed, each request includes five days in addition to the standard thirty day response time to account for mailing. In essence, this procedure provides Florida Power Corporation an additional five days to respond to discovery requests.

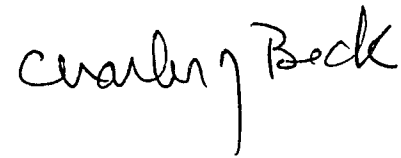
7. Citizens see no reason why Florida Power Corporation can not respond to discovery requests in the same way as other major utilities by

providing copies of documents in Tallahassee on the date due for response. This is particularly true since Citizens provide the company thirty five days to respond.

WHEREFORE, Citizens request the Prehearing Officer to order FPC to produce documents responsive to requests for production of documents in Tallahassee on due dates for responses to the requests.

Respectfully submitted,

JACK SHREVE
PUBLIC COUNSEL

A handwritten signature in black ink that reads "Charles J. Beck". The signature is written in a cursive, flowing style.

Charles J. Beck
Deputy Public Counsel
Fla. Bar No. 217281

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street
Room 812
Tallahassee, FL 32399-
1400

(850) 488-9330

Attorney for Florida's
Citizens

**CERTIFICATE OF SERVICE
DOCKET NO. 000824-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties on this 13th day of November, 2001.



Charles J. Beck
Deputy Public Counsel

Mary Anne Helton, Esquire
Adrienne Vining, Esquire
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

John W. McWhirter, Jr., Esquire
McWhirter, Reeves, McGlothlin,
Davidson, Decker, Kaufman,
Arnold & Steen, P.A.
P.O. Box 3350
Tampa, FL 33601-3350

James A. McGee, Esquire
Florida Power Corporation
Post Office Box 14042
St. Petersburg, FL 33733

Michael B. Twomey, Esquire
Post Office Box 5256
Tallahassee, FL 32314-5256

James P. Fama, Esquire
LeBoeuf, Lamb, Greene
& MacRae LLP
1875 Connecticut Ave., Suite 1200
Washington, DC 20009

Gary L. Sasso, Esquire
James M. Walls, Esquire
Carlton Fields Law Firm
Post Office Box 2861
St. Petersburg, FL 33731

Vickie Gordon Kaufman
Florida Industrial Power Users Group
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman, Arnold & Steen, P.A.
117 S. Gadsden Street
Tallahassee, FL 32301

Ronald C. LaFace, Esquire
Seann M. Frazier, Esquire
Greenberg Traurig Law Firm
101 East College Ave.
Tallahassee, FL 32301

Paul E. Christensen
Sugarmill Woods Civic Assoc., Inc.
26 Nibiscus Court
Homosassa, FL 34446

Buddy L. Hansen
13 Wild Olive Court
Homosassa, FL 34446

Paul Lewis, Jr.
Florida Power Corporation
106 East College Avenue
Suite 800
Tallahassee, FL 32301

Lee Schmudde
Vice President, Legal
Walt Disney World Co.
1375 Lake Buena Drive
Lake Buena Vista, FL 32830

James J. Presswood, Jr.
Legal Environmental Assistance Foundation
1114 Thomasville Road
Tallahassee, FL 32303-6290

Florida Retail Federation
100 East Jefferson Street
Tallahassee, FL 32301

Thomas A. Cloud, Esquire
Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
P.O. Box 3068
Orlando, Florida 32801