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February 6, 2002

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VIA FEDERAL EXPRESS

Blanca S. Bayó, Director
Division of Records and Reporting
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0870

Re: Docket No.: 001148-EI
Publix Super Market Inc.'s, Objections to Florida Power and Light's First Set of Interrogatories and First Request for Production of Documents to Publix

Dear Ms. Bayó:

Enclosed please find the original and fifteen (15) copies of (i) Publix Super Markets Inc.'s, Objections to Florida Power and Light's First Set of Interrogatories and (ii) Publix Super Markets, Inc.'s Objections to Florida Power and Lights' First Request for Production of Documents, both in the above-referenced docket. Copies of these filings have also been provided on a 1.44MB floppy disc in Microsoft Word.

Sincerely,



Thomas A. Cloud, Esquire

GRAY, HARRIS & ROBINSON, P.A.

AUS TAC:gcj
CAF Enclosures
CMP cc: All individuals on docketing service list
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Interrog. 1-9
DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK MELBOURNE

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01498 FEB 7 8

FPSC-COMMISSION CLERK TAMPA

CLERMONT

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of the Retail Rates of FPL

DOCKET NO. 001148-EI

Submitted for Filing:
February 6, 2002

PUBLIX SUPER MARKETS, INC.'s OBJECTIONS TO FLORIDA POWER AND LIGHT'S FIRST SET OF INTERROGATORIES TO PUBLIX SUPER MARKETS, INC. (Nos. 1-9)

Pursuant to Fla. Admin. Code R. 28-106.206, and Fla. R. Civ. P. 1.340, Publix Super Markets, Inc. ("Publix"), by and through its undersigned counsel, hereby objects to Florida Power and Light's (hereafter "FPL") First Set of Interrogatories to Publix Super Markets, Inc. (Nos. 1-9), and in support thereof states the following:

1. General Objections.

A. Publix objects to any of the interrogatories that calls for information as to Publix's positions on the issues identified in Commission Order No. PSC-02-0102-PCO- EI and the identity of Publix witnesses since (i) any such request is premature prior to the receipt and review of even the initial discovery required from FPL by Publix in order to prepare its direct testimony and (ii) Publix will not likely possess any such information prior to end of the twenty (20) day period by which answers to this discovery are due under the accelerated discovery response period set forth Commission Order No. PSC-02-0089-PCO-EI.

B. Publix 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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made to these interrogatories or is later determined to be applicable based on the discovery of documents, investigation or analysis. Publix may determine upon investigation and analysis that information responsive to certain interrogatories to which objections are not otherwise asserted are confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order if at all. By agreeing to provide such information in response to such an interrogatory, Publix is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. Publix hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules, and legal principles.

C. Publix objects to the interrogatories to the extent they require any expert, consultant, agent, representative or attorney retained by Publix in connection with this proceeding to provide a response outside of that expressly permitted under Florida Rules of Civil Procedure 1.280(b)(4).

D. Publix objects to these interrogatories to the extent that they require Publix to prepare information or perform calculations not previously prepared or performed which would expand Publix's obligations under applicable law.

2. Specific Objections to Interrogatories.

Publix objects specifically to the following interrogatories:

Interrogatory:

- 1. For each and every Issue, if you have a position (including a preliminary position) on the Issue:**
 - a. Please state and describe that position.**
 - b. Please identify any witness(es) you intend to have testify relating to that Issue and state the subject matter of each such witness's testimony.**

Objection:

Publix objects to interrogatory 1 as compound and reserves its right to count this interrogatory as two (2) separate interrogatories for purposes of determining its obligation to continue to provide responses under the order governing procedure in this docket.

Interrogatory:

- 2. Do you contend that any portion of FPL's 2002 test year jurisdictional rate base of \$9,908,855,000 should be disallowed for ratemaking purposes in this proceeding? If so:**
 - a. Please identify the nature and amount of any such disallowance(s) and state and describe in detail the basis for your disallowance(s).**
 - b. Please identify any witness(es) you intend to testify relating to any disallowance(s) identified in response to 2(a) above, and state the subject matter of each such witness's testimony.**

Objection:

Publix objects to interrogatory 2 as compound and reserves its right to count this interrogatory as two (2) separate interrogatories for purposes of

determining its obligation to continue to provide responses under the order governing procedure in this docket.

Interrogatory:

- 3. What do you contend FPL's midpoint and range of return on equity ("ROE") should be for ratemaking purposes in this proceeding?**
 - a. Please state and describe in detail the basis for your position on the proper ROE for FPL.**
 - b. Please identify any witness(es) you intend to have testify relating to this position and state the subject matter of each such witness's testimony.**

Objection:

Publix objects to interrogatory 3 as compound and reserves its right to count this interrogatory as two (2) separate interrogatories for purposes of determining its obligation to continue to provide responses under the order governing procedure in this docket.

Interrogatory:

- 4. What do you contend FPL's equity ratio should be for ratemaking purposes in this proceeding?**
 - a. Please state and describe in detail the basis for your position on the proper equity ratio for FPL, and include in the description of your position a computation, with reference to FPL's surveillance report, showing how you would arrive at your recommended equity ratio.**
 - b. Please identify any witness(es) you intend to have testify relating to this position and state the subject matter of each such witness's testimony.**

Objection:

Publix objects to interrogatory 4 as compound and reserves its right to count this interrogatory as two (2) separate interrogatories for purposes of determining its obligation to continue to provide responses under the order governing procedure in this docket.

Interrogatory:

- 5. What do you contend FPL's equity ratio should be for ratemaking purposes in this proceeding?**
- a. Please state and describe in detail the basis for your position on the proper equity ratio for FPL, and include in the description of your position a computation, with reference to FPL's surveillance report, showing how you would arrive at your recommended equity ratio.**
 - b. Please identify any witness(es) you intend to have testify relating to this position and state the subject matter of each such witness's testimony.**

Objection:

Publix objects to interrogatory 5 as compound and reserves its right to count this interrogatory as two (2) separate interrogatories for purposes of determining its obligation to continue to provide responses under the order governing procedure in this docket.

Interrogatory:

- 6. If FPL's rates were revised in this proceeding, do you contend that any adjustments should be made to the 12 CP and 1/13th cost of service study that FPL has filed in its MFRs? If so:**

- a. **Please state and describe in detail the basis for your contention.**
- b. **Please identify any witness(es) you intend to have testify relating to this contention and state the subject matter of each such witness's testimony.**

Objection:

Publix objects to interrogatory 6 as compound and reserves its right to count this interrogatory as two (2) separate interrogatories for purposes of determining its obligation to continue to provide responses under the order governing procedure in this docket.

Interrogatory:

7. If FPL's rates were revised in this proceeding, do you contend that the rate of return for each class should be the same (i.e., rate parity)? If not:

- a. **Please state and describe in detail the basis for your contention. If you contend that the rate for a class should not be based on the cost of serving that class, please so state and describe in detail what basis other than cost of service should be used and the justification therefor.**
- b. **Please identify any witness(es) you intend to have testify relating to this contention and state the subject matter of each such witness's testimony.**

Objection:

Publix objects to interrogatory 7 as compound and reserves its right to count this interrogatory as three (3) separate interrogatories for purposes of determining its obligation to continue to provide responses under the order governing procedure in this docket.

Interrogatory:

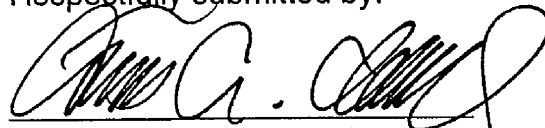
8. If FPL's rates were revised in this proceeding, do you propose any adjustments to the structure, terms or conditions of any of FPL's rate classes? If so:

- a. Please state and describe in detail the basis for your proposal.**
- b. Please identify any witness(es) you intend to have testify relating to this proposal and state the subject matter of each such witness's testimony.**

Objection:

Publix objects to interrogatory 8 as compound and reserves its right to count this interrogatory as two (2) separate interrogatories for purposes of determining its obligation to continue to provide responses under the order governing procedure in this docket.

Respectfully submitted by:



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following parties of record and interested parties, this 6th day of February, 2002:

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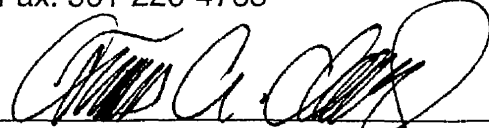
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