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February 11 2002

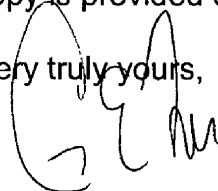
Ms. Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
4075 Esplanade Way, Room 110  
Tallahassee, FL 32399-0850

In re: Docket No. 001148-EI

Dear Ms. Bayó:

Enclosed for filing in the above docket are the original and seven copies of Florida Power & Light Company's Objections to the Commission Staff's Ninth Set of Interrogatories and Ninth Request for Production of Documents in the above referenced docket. An electronic copy is provided on a diskette.

Very truly yours,



Gabriel E. Nieto

GEN/Enclosures

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
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OPC \_\_\_\_\_  
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DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of the retail rates of )  
Florida Power & Light Company. )

Docket No. 001148-EI  
Dated: February 11, 2002

**FLORIDA POWER & LIGHT COMPANY'S  
OBJECTIONS TO THE COMMISSION STAFF'S  
NINTH SET OF INTERROGATORIES AND NINTH  
REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Florida Administrative Code Rule 28-106.206, Florida Rule of Civil Procedure 1.340 and Order No. PSC-01-2111-PCO-EI, Florida Power & Light Company ("FPL") submits the following requests for clarification of and objections to the Commission Staff's Ninth Set of Interrogatories to Florida Power & Light Company (Nos. 340-347) and Ninth Request of Production of Documents (Nos. 50-61).

**I. Preliminary Nature of These Objections**

The objections stated herein are preliminary in nature and are made at this time consistent with the requirements of Order No. PSC-01-2111-PCO-EI that objections be served within ten days of receipt of discovery requests. Should additional grounds for objection be discovered as FPL develops its response, 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.

**II. General Objections.**

FPL objects to each and every Interrogatory and Request 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 or is later determined to be applicable for any reason. FPL in no way intends to waive such privilege or protection.

FPL objects to providing information that is proprietary, confidential business information without provisions in place to protect the confidentiality of the information. FPL has not had sufficient time to determine whether the discovery requests call for the disclosure of confidential 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.

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 the 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 document may have been 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.

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).

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.

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.

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.

FPL objects to the Interrogatories and Requests to the extent that they call for the creation of documents and information, rather than the production or reporting of presently existing information, as purporting to expand FPL's obligation under the law.

FPL incorporates by reference all of the foregoing general objections into each of its specific objections set forth below as though stated therein

### **III. Specific Objections**

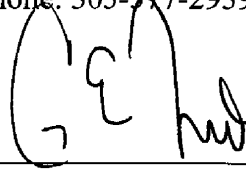
Interrogatory 346. FPL objects to interrogatory No. 346 on the grounds that it calls for FPL's outside experts to perform wholly new analyses and is outside the permissible scope of discovery from experts.

Respectfully submitted this 11<sup>th</sup> day of February 2002.

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By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "G. E. Nieto", written over a horizontal line.

Gabriel E. Nieto

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of the retail rates of )  
Florida Power & Light Company. )

Docket No. 001148-EI  
Dated: February 11, 2002

**CERTIFICATE OF SERVICE OF FLORIDA POWER  
& LIGHT COMPANY'S SERVICE OF OBJECTIONS  
TO THE COMMISSION STAFF'S NINTH SET OF  
INTERROGATORIES AND NINTH REQUEST FOR  
PRODUCTION OF DOCUMENTS**

**I HEREBY CERTIFY** that a true and correct copy of the following Objections to the Commission Staff's Ninth Set of Interrogatories and Ninth Request for Production of Documents was served by United States mail on February 11, 2002 to the following persons:

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By: \_\_\_\_\_



Gabriel Nieto