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February 27, 2002

John T. Butler, P.A.
305.577.2939
jbutler@steelhector.com

-VIA FEDERAL EXPRESS-

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

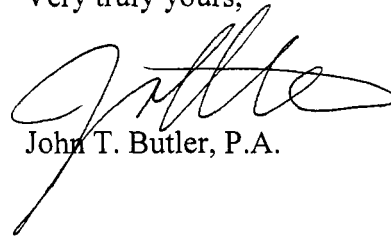
Re: Docket No. 001148-EI

Dear Ms. Bayó:

Enclosed for filing in the above docket are the original and seven (7) copies of Florida Power & Light Company's Motion to Compel South Florida Hospital and Healthcare Association to Respond to Florida Power & Light Company's First Set of Interrogatories (Nos. 1-9) and Request for Production of Documents (Nos. 1-2), together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows 2000, and the word processing software in which the document appears is Word 2000.

If there are any questions regarding this transmittal, please contact me at 305-577-2939.

Very truly yours,



John T. Butler, P.A.

Enclosure
cc: Counsel for Parties of Record (w/encl.)

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of) Docket No. 001148-EI
Florida Power & Light) Dated: February 27, 2002
Company.)
_____)

**FLORIDA POWER & LIGHT COMPANY'S MOTION TO COMPEL
SOUTH FLORIDA HOSPITAL AND HEALTHCARE ASSOCIATION
TO RESPOND TO FLORIDA POWER & LIGHT COMPANY'S
FIRST SET OF INTERROGATORIES (NOS. 1-9) AND
REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-2)**

Florida Power & Light Company ("FPL"), pursuant to Rules 28-106.206 and 28-106.303, Florida Administrative Code, hereby moves to compel the South Florida Hospital and Healthcare Association ("SFHHA") to respond to FPL's First Set of Interrogatories (Nos. 1-9) and Request for Production of Documents (Nos. 1-2), a copy of which is attached hereto as Exhibit 1 (the "FPL Discovery"). The grounds for this motion are as follows:

The FPL Discovery was served on the SFHHA on January 31, 2002. The purpose of the FPL Discovery is to learn as soon as possible (i) what will be the SFHHA's positions on the issues in this case, (ii) what major adjustments, if any, the SFHHA contends should be made to the test year results reflected in FPL's MFRs, (iii) who the SFHHA intends to have testify, and (iv) what materials the SFHHA and its witnesses intend to rely upon in support of those positions.

The current schedule in this docket only gives FPL eighteen days between the filing of testimony for intervenors such as the SFHHA and the deadline for FPL's rebuttal testimony. Therefore, getting responses to basic "contentions" discovery from the SFHHA and other intervenors is essential to FPL's ability to participate effectively in this proceeding. At the same time, FPL anticipated that the SFHHA may not be in a position to respond to all or parts of the

DOCUMENT NUMBER 001148-EI
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FPSC-COMMISSION CLERK

FPL Discovery within the twenty-day period envisioned by Order No. PSC--2-0089-PCO-EI. The FPL Discovery accordingly asks the SFHHA to defer its responses (i) until March 4, 2002 (the deadline for intervenor testimony) if information is not available within twenty days, but will be the subject of testimony filed by the SFHHA, or (ii) until March 15, 2002 (the deadline for prehearing statements) if the information is not the subject of SFHHA testimony but is covered in the SFHHA's prehearing statement. By this means, FPL has attempted to avoid burdening the SFHHA with multiple iterations of similar discovery, while at the same time providing a mechanism for FPL to receive discovery responses from the SFHHA as soon as they are reasonably available.

Unfortunately, the SFHHA has responded with a broadside of objections that evince a fundamental misunderstanding of FPL's good-faith attempt to streamline discovery. *See* South Florida Hospital and Healthcare Association's Objections to FPL's First Set of Interrogatories (Nos. 1-9) and Request for Production of Documents (Nos. 1-2), attached hereto as Exhibit 2 (the "SFHHA Objections"). The SFHHA objects that the FPL Discovery is "continuing in nature" and then later complains that it is "hopelessly premature." SFHHA Objections at 2 and 4. Nothing in the FPL Discovery suggests it is "continuing in nature." FPL is not asking the SFHHA to respond to the discovery initially and then update it later. Rather, FPL asks only that the SFHHA respond once, at whichever of three points in time best matches up with the availability of the information FPL seeks. Similarly, the FPL Discovery is "hopelessly premature" only if one ignores FPL's explicit instructions that responses be given at the appropriate point in time. Moreover, the notion that it is "hopelessly premature" for the SFHHA to take positions is simply insupportable when one considers that the SFHHA and other parties

have now had over four months to review FPL's MFRs and that FPL has been timely responding to discovery from the SFHHA for over three months.¹

In short, FPL has proposed a flexible mechanism to discover necessary information about the SFHHA's participation in this docket in the least intrusive manner possible. FPL has managed to condense the whole of its initial discovery into nine interrogatories and two production requests -- a far cry from the 153 interrogatories and 95 document production requests that the SFHHA has already served on FPL. The Commission should not permit the SFHHA to sidestep FPL's reasonable and efficient approach: it should compel the SFHHA to answer FPL's interrogatories and respond to its production requests when the necessary information to do so is available.

The Office of Public Counsel ("OPC") has already responded to nearly identical discovery propounded by FPL. OPC's responses confront the concerns raised by the SFHHA about the timing of FPL's discovery and the availability of information responsive to it. However, instead of obstructing the necessary flow of that information through objections, OPC has agreed to a mechanism for producing the information on a timetable that is workable for OPC and acceptable to FPL. A copy of OPC's Answers to First Set of Interrogatories Propounded by Florida Power & Light Company (Nos. 1-9) and Response to Florida Power & Light Company's First Request for Production of Documents (Nos. 1-2) are attached as Exhibit 3 (the "OPC Response"). FPL would be willing to accept similar responses from the SFHHA.

¹ Perhaps the SFHHA sees FPL's discovery as "premature" because the SFHHA did not get around until recently to inspecting any of the thousands of pages of documents that FPL began making available to the SFHHA in November 2001. Of course, the SFHHA cannot use its own procrastination as an excuse not to comply with FPL's legitimate discovery requests.

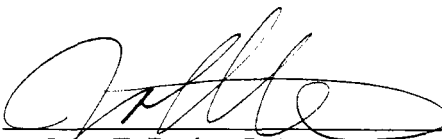
In its effort to conjure up a valid objection to Interrogatory No. 9(h) and Request for Documents No. 2(e), the SFHHA has completely misconstrued those requests. Both ask about materials that SFHHA witnesses reviewed "in the course of preparing his or her testimony." whether or not the witness ultimately relied upon those materials. Of course, the obvious focus of these requests is on materials that a witness may have reviewed as possible support for his or her position on an issue, but were rejected because they are inconsistent with that position. FPL is certainly entitled to know if such materials exist. FPL is not interested in -- and the requests in question do not suggest that FPL is interested in -- trade press materials from years ago or the results of the witness' casual perusal of daily newspapers. The SFHHA should be required to respond to Interrogatory No. 9(h) and Request for Documents No. 2(e) consistent with the natural reading of those requests.

WHEREFORE, FPL moves to compel the SFHHA to respond to the FPL's First Set of Interrogatories (Nos. 1-9) and Request for Production of Documents (Nos. 1-2), which responses may follow the form of the OPC Response attached hereto as Exhibit 3.

Respectfully submitted,

R. Wade Litchfield, Esq.
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101

Steel Hector & Davis LLP
Attorneys for Florida Power & Light Company
200 South Biscayne Boulevard
Suite 4000
Miami, Florida 33131-2398
Telephone: 305-577-2939

By: 
John T. Butler, P.A.
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by United States Mail this 27th day of February, 2002, to the following:

Robert V. Elias, Esq.
Legal Division
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, FL 32399-0850

Florida Industrial Power Users Group
c/o John McWhirter, Jr., Esq.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33601-3350

Thomas A. Cloud, Esq.
Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
Orlando, Florida 32801

J. Roger Howe, Esq.
Office of Public Counsel
c/o Florida Legislature
111 W. Madison Street
Room No. 812
Tallahassee, Florida 32399-1400

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

Andrews & Kurth Law Firm
Mark Sundback/Kenneth Wiseman
1701 Pennsylvania Ave., NW, Suite
300 Washington, DC 20006

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
McWhirter Reeves
117 South Gadsden
Tallahassee, Florida 32301

David Cruthirds, Esq.
Vice President and Regulatory Counsel
Dynege, Inc.
1000 Louisiana Street, Suite 5800
Houston, Texas 77002-5050

Linda Quick, President
South Florida Hospital & Healthcare Assn
6363 Taft Street
Hollywood, FL 33024

By: 

John T. Butler, P.A.

EXHIBIT 1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of) Docket No. 001148-EI
Florida Power & Light) Dated: January 31, 2002
Company.)
_____)

**FLORIDA POWER & LIGHT COMPANY'S
FIRST SET OF INTERROGATORIES TO
SOUTH FLORIDA HOSPITAL AND HEALTHCARE ASSOCIATION
("SFHHA") (NOS. 1-9)**

Respondent Florida Power & Light Company ("FPL") hereby propounds the following interrogatories on the SFHHA and requests that they be answered separately, fully and under oath within twenty (20) days, pursuant to Order No. PSC-02-0089-PCO-EI; provided that, in the event the SFHHA has not formulated the position, contention or proposal sought by an interrogatory within said twenty days, then the SFHHA should answer said interrogatory (i) no later than March 4, 2002 (the due date for intervenor testimony pursuant to Order No. PSC-02-0089-PCO-EI), where the position, contention or proposal is the subject of testimony filed by the SFHHA on that date; or (ii) no later than March 15, 2002 (the due date for prehearing statements pursuant to Order No. PSC-02-0089-PCO-EI) where the position, contention or proposal is not the subject of the SFHHA's testimony.

DEFINITIONS

- A. "You," "yours" and/or "yourselves" means the SFHHA, and any attorney, employee, agent, representative or other person acting or purporting to act on the behalf of Healthcare Association including all persons who will offer testimony on Healthcare Association's behalf in this proceeding.

- B. "Person" or "persons" means all natural persons and entities, including but not limited to: corporations, companies, partnerships, limited partnerships, joint ventures, trusts, estates, associations, public agencies, departments, bureaus or boards.
- C. "Document or documents" means "documents" as defined in Rule 1.350 of the Florida Rules of Civil Procedure. In addition, the words "document" or "documents" shall mean any writing, recording, computer-stored information, or photograph in your actual or constructive possession, custody, care or control, which pertain directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, computer discs, microfilms, video tapes or tape recordings.
- D. "FPL" means Florida Power & Light Company.
- E. "Issue" refers to the issues for this proceeding set forth by the Commission in Order No. PSC-02-0102-PCO-EI.
- F. "Identify" shall mean: (1) when used with respect to a person, to state the person's full name, present or last known business address; and present or last known employer and position; (2) when used in respect to a document, to describe the document by character (e.g., letter, report, memorandum, etc.), author, date, and to state its present location and custodian; (3) when used with respect to an oral communication, to identify the persons making and receiving the communication, the approximate date of and time of the communication, and a summary of its content or substance.

G. "Witness" means any person, including but not limited to expert witnesses, whom you intend to call to testify in this proceeding.

INSTRUCTIONS

- A. If any of the following interrogatories cannot be answered in full after exercising due diligence to secure the information, please so state and answer to the extent possible, specifying your inability to answer the remainder, and state whatever information you have concerning the unanswered portion. If your answer is qualified in any respect, please set forth the details of such qualifications.
- B. If you object to fully identifying a document or oral communication because of a privilege, you must nevertheless provide the following information, unless divulging the information would disclose the privileged information:
- a. the nature of the privilege claimed (including work product);
 - b. the date of the document or oral communication;
 - c. if a document; its type (correspondence, memorandum, facsimile etc.), custodian, location, and such other information sufficient to identify the document for a subpoena duces tecum or a document request, including where appropriate the author, the addressee, and, if not apparent, the relationship between the author and addressee;
 - d. if an oral communication; the place where it was made, the names of the persons present while it was made, and, if not apparent, the relationship of the persons present to the declarant; and
 - e. the general subject matter of the document or the oral communication.

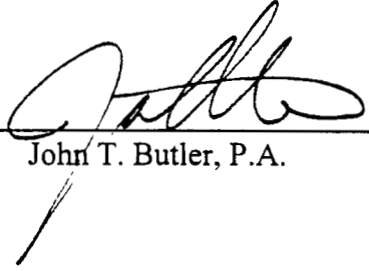
- C. If you object to all or part of any interrogatory and refuse to answer that part, state your objection, identify the part to which you are objecting, and answer the remaining portion of the interrogatory.
- D. Whenever an interrogatory calls for information which is not available to you in the form requested, but is available in another form, or can be obtained at least in part from other data in your possession, so state and either supply the information requested in the form in which it is available, or supply the data from which the information requested can be obtained.
- E. The singular shall include the plural and vice versa; the terms "and" and "or" shall be both conjunctive and disjunctive; and the term "including" means "including without limitation."
- F. These interrogatories shall be answered under oath by you or through your agent who is qualified to answer and who shall be fully identified, with said answers being served as provided pursuant to the Florida Rules of Civil Procedure or order of the Commission.

Respectfully submitted this 31st day of January, 2002.

R. Wade Litchfield, Esq.
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101

Steel Hector & Davis LLP
Attorneys for Florida Power & Light
Company
200 South Biscayne Boulevard
Suite 4000
Miami, Florida 33131-2398
Telephone: 305-577-2939

By: _____


John T. Butler, P.A.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by facsimile transmission(*) or U.S. Mail this 31st day of January, 2002 to the following:

Robert V. Elias, Esq.
Legal Division
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, FL 32399-0850

Florida Industrial Power Users Group
c/o John McWhirter, Jr., Esq.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33601-3350

Thomas A. Cloud, Esq.
Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
Orlando, Florida 32801

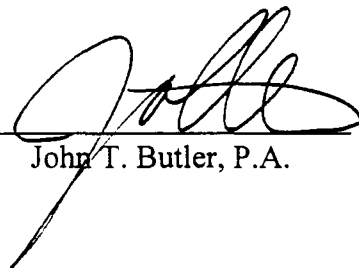
J. Roger Howe, Esq.
Office of Public Counsel
c/o Florida Legislature
111 W. Madison Street
Room No. 812
Tallahassee, Florida 32399-1400

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

Andrews & Kurth Law Firm*
Mark Sundback/Kenneth Wiseman
1701 Pennsylvania Ave., NW, Suite 300
Washington, DC 20006

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
McWhirter Reeves
117 South Gadsden
Tallahassee, Florida 32301

By: _____



John T. Butler, P.A.

INTERROGATORIES

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.

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 have testify relating to any disallowance(s) identified in response to 2(a) above, and state the subject matter of each such witness's testimony.

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.

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.

5. Do you contend that FPL's 2002 test year jurisdictional net operating income of \$873,016,000 should be adjusted for ratemaking purposes in this proceeding? If so:

- a. Please identify the nature and amount of any such adjustment(s) and state and describe in detail the basis for your adjustment(s).
- b. Please identify any witness(es) you intend to have testify relating to any adjustment(s) identified in response to 5(a) above, and state the subject matter of each such witness's testimony.

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.

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.

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.

9. With respect to each and every witness identified in your responses to Interrogatory Nos. 1 to 8 above, please state the following:

- a. The witness's business address;
- b. The witness's qualifications;
- c. The scope of the witness's employment in the pending matter;
- d. The witness's general litigation experience, including the percentage of work performed for regulatory bodies or public counsel;
- e. Identify each proceeding, regulatory or other, in the last five years in which the witness has offered testimony on the same topic or on a topic similar to the topic on which the witness is offering testimony in this proceeding;
- f. Identify each proceeding, regulatory or other, in the last five years in which witness has offered testimony on any topic other than that referred to in 9(e) above.
- g. Identify all texts, treatises or textbooks, or other materials referred to and/or relied upon by the witness in the course of preparing his or her testimony in this proceeding.
- h. Identify all documents, other materials or information reviewed by the witness, whether or not referred to or relied upon, in the course of preparing his or her testimony in this proceeding, including but not limited to identifying by bates number all FPL documents reviewed by the witness.

I HEREBY CERTIFY that I am an authorized representative of _____, and that the answers to these Interrogatories are true and correct.

By:
Title:

STATE OF FLORIDA)
) ss:
COUNTY OF)

I HEREBY CERTIFY that on this ____ day of _____, 2002, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____, who is personally known to me or who has produced _____ as identification and who did take an oath, and he/she acknowledged before me that he/she executed the foregoing answers to interrogatories as his/her free act and deed, that the statements contained therein are true and correct, and that said answers are given under oath.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in the County and State aforesaid as of this ____ day of _____, 2002.

Notary Public, State of Florida

MIA2001/80749-1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of) Docket No. 001148-EI
Florida Power & Light) Dated: January 31, 2002
Company.)
_____)

**FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
TO SOUTH FLORIDA HOSPITAL AND HEALTHCARE ASSOCIATION
("SFHHA") (NOS. 1-2)**

Pursuant to Rule 28-106.206, Florida Administrative Code and Rule 1.350, Florida Rules of Civil Procedure, Florida Power & Light Company ("FPL"), hereby serves the following request for production of documents upon the SFHHA, and requests that responsive documents be produced within twenty (20) days; provided that, as to documents that relate to a position, contention or proposal sought by one of the interrogatories in FPL's First Set of Interrogatories to the SFHHA, and the SFHHA has not formulated said position, contention or proposal within twenty days, then the SFHHA should produce such documents (i) no later than March 4, 2002 (the due date for intervenor testimony pursuant to Order No. PSC-02-0089-PCO-EI), where the position, contention or proposal is the subject of testimony filed by the SFHHA on that date; or (ii) no later than March 15, 2002 (the due date for prehearing statements pursuant to Order No. PSC-02-0089-PCO-EI) where the position, contention or proposal is not the subject of the SFHHA's testimony.

DEFINITIONS

- A. "You," "yours" and/or "yourselves" means the SFHHA, and any attorney, employee, agent, representative or other person acting or purporting to act on the behalf of the SFHHA including all persons who will offer testimony on the SFHHA's behalf in this proceeding.
- B. "Person" or "persons" means all natural persons and entities, including but not limited to: corporations, companies, partnerships, limited partnerships, joint ventures, trusts, estates, associations, public agencies, departments, bureaus or boards.
- C. "Document or documents" means "documents" as defined in Rule 1.350 of the Florida Rules of Civil Procedure. In addition, the words "document" or "documents" shall mean any writing, recording, computer-stored information, or photograph in your actual or constructive possession, custody, care or control, which pertain directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, computer discs, microfilms, video tapes or tape recordings.
- D. "FPL" means Florida Power & Light Company.
- E. "Issue" refers to the issues for this proceeding set forth by the Commission in Order No. PSC-02-0102-PCO-EI.
- F. "Identify" shall mean: (1) when used with respect to a person, to state the person's full name, present or last known business address; and present or last known employer and position; (2)

when used in respect to a document, to describe the document by character (e.g., letter, report, memorandum, etc.), author, date, and to state its present location and custodian; (3) when used with respect to an oral communication, to identify the persons making and receiving the communication, the approximate date of and time of the communication, and a summary of its content or substance.

- G. "Witness" means any person, including but not limited to expert witnesses, whom you intend to call to testify in this proceeding.

INSTRUCTIONS

- A. Scope of Production. In responding to this request to produce, produce all responsive documents, including any and all non-identical copies of each such document.
- B. Manner of Objections and Inability to Respond. If you object to a part of a request and refuse to respond to that part, state your objection and answer the remaining portion of that request. If you object to the scope of a request and refuse to produce documents for that scope, state your objection and produce documents for the scope you believe is appropriate.
- C. If any of the requests cannot be responded to in full after exercising due diligence to secure the requested documents, please so state and respond and produce documents to the extent possible, specifying your inability to respond further. If your response or production is qualified or limited in any particular, please set forth the details and specifics of such qualification or limitation.

- D. Privileged Information or Documents. In the event you wish to assert attorney/client privilege or the work product doctrine, or both, or any other claim of privilege, then as to such documents allegedly subject to such asserted privileges, you are requested to supply an identification of such documents, in writing, with sufficient specificity to permit the Prehearing Officer or Commission to reach a determination in the event of a motion to compel as to the applicability of the asserted objection, together with an indication of the basis for the assertion of the claim of attorney/client privilege or the work product doctrine, or any other claim of privilege. The identification called for by this instruction shall include the nature of the document (e.g., interoffice memoranda, correspondence, report, etc.), the sender or author, the recipient of each copy, the date, the name of each person to whom the original or any copy was circulated, the names appearing on any circulation list associated with such document, and a summary statement of the subject matter of the document in sufficient detail to permit the Court to reach a determination in the event of a motion to compel.
- E. Computer-Generated Documents. If a requested document is on computer or word processing disc or tape, produce a printout of the document.
- F. Organization of Documents. With respect to the documents produced, you shall produce them as they are kept in the usual course of business, labeling them to correspond with each numbered paragraph of this Request in response to which such documents are produced. All pages now stapled or fastened together and all documents that cannot be copied legibly should be produced in their original form.

DOCUMENTS REQUESTED

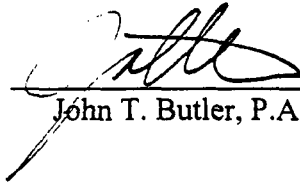
1. Please produce all documents you used to answer FPL's First Set of Interrogatories to you, and all documents you intend to introduce at trial relating to any of the issues raised in FPL's interrogatories.
2. For each witness you identified in your answers to FPL's First Set of Interrogatories:
 - a. Please produce all direct, rebuttal and/or sur-rebuttal testimony filed with any Public Utility Commission or Public Service Commission, or the Federal Energy Regulatory Commission in the last five (5) years relating to the same and/or similar topic on which the witness is filing testimony in this proceeding.
 - b. Please produce all documents, including but not limited to: workpapers, spreadsheets, electronic files, texts, treatises, textbooks or other materials that will be referred to and/or relied upon by the witness in the course of preparing his or her testimony in this proceeding.
 - c. Please produce all articles published or submitted for publication by the witness in the last five (5) years on the same topic and/or a topic similar to the one that the witness is filing testimony on in this proceeding.
 - d. Please produce all documents and source documents used to create and develop the exhibits to the witness's testimony, if any.
 - e. Please produce all documents or other materials reviewed for any purpose, even if not relied upon, by the witness in the course of preparing his or testimony in this proceeding.

Dated this 31st day of January, 2002.

R. Wade Litchfield, Esq.
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
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200 South Biscayne Boulevard
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Telephone: 305-577-2939

By:



John T. Butler, P.A.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via facsimile transmission(*) or U.S. Mail this 31st day of January, 2002 to the following:

Robert V. Elias, Esq.
Legal Division
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, FL 32399-0850

Florida Industrial Power Users Group
c/o John McWhirter, Jr., Esq.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33601-3350

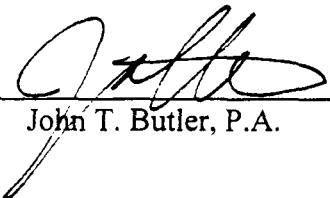
Thomas A. Cloud, Esq.
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By: 
John T. Butler, P.A.

MIA2001/80697-1

EXHIBIT 2

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

)
)
)
)

Docket No. 001148-EI
Dated: February 8, 2002

SOUTH FLORIDA HOSPITAL AND HEALTHCARE ASSOCIATION'S
OBJECTIONS TO FLORIDA POWER & LIGHT COMPANY'S
FIRST SET OF INTERROGATORIES (NOS. 1-9) AND
REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-2)

South Florida Hospital and Healthcare Association ("SFHHA") hereby submits the following objections to Florida Power & Light Company's ("FPL") First Set of Interrogatories and Request For Production of Documents (the "FPL Request").

I. Preliminary Nature of These Objections

The objections stated herein are preliminary in nature and are made at this time in compliance with the requirement of Order No. PSC-O1-2111-PCO-EI that objections be served within ten days of receipt of discovery requests. Should additional grounds for objection be discovered as SFHHA develops its response, SFHHA reserves the right to supplement or modify its objections. Should SFHHA determine that a protective order is necessary regarding any of the requested information, SFHHA reserves the right to file a motion with the Commission seeking such an order at the time its response is due.

II. General

A. Incorporation By Reference

SFHHA incorporates by reference each of the general objections asserted by FPL to date in this proceeding to the extent applicable. See "Florida Power & Light Company's Objections to and Request For Clarification of South Florida Hospital and Healthcare Association's First Set

of Interrogatories and Request For Production of Documents,” Docket No. 001148-EI (October 22, 2001) at pp. 1-2 (hereinafter, “FPL Objections To SFHHA Discovery”).

B. Generic Objections

SFHHA objects to the instructions set forth in the FPL Interrogatories to the extent that they purport to impose upon SFHHA obligations that SFHHA does not have under the law. For instance, SFHHA generally objects to any production obligation in excess of that imposed by Commission regulations, the Florida Administrative Code, or the Florida Rules of Civil Procedure, as applicable.

Without limiting the generality of the foregoing, SFHHA also objects to the following instructions:

1.

FPL seeks to extend the time for filing responses to as long as 45 days. SFHHA does not agree to undertake to attempt to update responses throughout the docket. Notably, FPL itself has objected to any “instruction [that] purports to make [a] Request continuing in nature. [A responding party] is not obligated to supplement its discovery responses with” later-acquired information. See FPL Objections to SFHHA Discovery, p. 3 (October 22, 2001). The same policy should hold for other parties absent a change in FPL’s approach in answering discovery requests addressed to it.

2.

Nor is that the only example of FPL’s attempting to impose upon others standards that FPL itself will not observe. SFHHA also objects to Instruction D, which states that

Whenever an interrogatory calls for information which is not available to you in the form requested, but is available in another form, or can be obtained at least in part from other data in your possession, so state and either supply the information

requested in the form in which it is available, or supply data from which the information requested can be obtained.

FPL already has objected to requests seeking to impose production obligations “whenever . . . information is not available in the form . . . requested.” According to FPL, a requesting party “is free to request information in whatever form it wishes, and [the responding party’s] obligation begins and ends with providing the information (subject to objections and claims of privilege) in the requested form or advising the [requesting party] that the information does not exist in that form.” FPL Objections to SFHHA Discovery, p. 3. FPL complained in response to SFHHA’s request that “SFHHA seeks to have FPL provide information in the form closest to that requested by SFHHA, when it is not available in the requested form. Again, FPL’s obligation begins and ends with providing information (subject to objections and claims of privilege) in the requested form or advising the [requestor] that the information does not exist in that form.” *Id.* at p. 3-4.

3.

Additionally, FPL Instruction F to its request for the production of documents specifies:

F. Organization of Documents. With respect to the documents produced, you shall produce them as they are kept in the usual course of business, labeling them to correspond with each numbered paragraph of this request in response to which such documents are produced.

Once again, FPL propounds an instruction to which FPL objects when that instruction is directed to FPL. When FPL was requested to produce documents in the manner they were ordinarily maintained, and to identify the request to which the document related, FPL refused.

FPL asserted that

This instruction requests both that documents be produced in the manner in which they are ordinarily maintained and that they be identified to the request to which they respond. FPL is obligated to do one or the other, but not both. FPL objects to this instruction to the extent that it seeks both to have FPL produce documents

in the manner that they are ordinarily maintained and to identify them with respect to which they respond.

See FPL Objections to SFHHA Discovery Requests, p. 4.

Apparently FPL has no interest in consistent, even-handed application of rules. In classic “heads I win, tails you lose” fashion, the utility wants to burden others with rules it refused to accept for itself. FPL cannot have it both ways.

III. Objections Applicable To Specific Numbered Interrogatories And Request For Production of Documents

FPL has propounded a series of discovery requests that are hopelessly premature and can hardly be explained except as an instrument to harass and oppress intervenors participating in this proceeding. SFHHA objects to each FPL discovery request on this basis.

Several notable facts compel this conclusion:

- FPL’s discovery requests, seeking statements of position on every of 150 issues identified to date in the proceeding, were propounded on January 31, 2002, only 2 days following receipt of a dozen FPL witnesses’ testimony, hardly permitting sufficient time in which to review and analyze testimony intended to justify over \$9 billion in rate base and base rates producing annual revenues in excess of \$3 billion;
- as FPL well knows, there are scores of discovery requests propounded on FPL which FPL has not answered, including a number to which it has objected;
- as FPL well knows, by making its document production process expensive, time-consuming and inconvenient for SFHHA, SFHHA cannot make a definitive statement on many issues at this time;
- FPL has declined to make available, for months, documents responsive to discovery requests because of claims that the documents should not be made public, and has made unreasonable demands regarding the terms under which such documents should be made available;
- as FPL well knows, responses by FPL to any meaningful discovery requests propounded by parties concerning FPL’s testimony will not be available for weeks to come;
- participants’ particular positions on issues may change as they learn more and carry on their own analysis; and

- analysis of the issues by intervenors will be delayed and rendered more difficult because an initial review of FPL's direct testimony discloses that it attempts to justify FPL's rates from the top down (by presuming that current rates are appropriate and by comparing FPL's costs to those of other utilities) rather than from the bottom up (i.e., by separately disclosing and discussing the individual costs experienced by FPL in a base year, adjusted for the test year, and aggregating these costs to provide a revenue requirement figure).

FPL's discovery requests here at issue are especially egregious given that the revised procedural schedule negotiated and supported by FPL was adopted very recently. The FPL-Office of Public Counsel agreed-upon procedural schedule has a fixed date for an issues conference and will utilize established procedures for identifying participants' positions on issues; if FPL believed that procedure to be inadequate, then it should have proposed a schedule more to its liking, rather than now impose unproductive discovery burdens on participants. These requests ignore the Commission's established procedures and suggest that FPL's negotiation and presentation of a proposed procedural schedule with OPC was disingenuous. The Commission has established rules for adducing participants' positions, and if FPL was not satisfied with those rules in conjunction with a procedural schedule, it was appropriate for FPL to propose changes before submitting its proposed schedule. Having apparently failed to do so, it is now in no position to punish other participants for its oversight.

Finally, FPL Interrogatory No. 9(h) and Request For Production of Documents No. 2(e) contain approximately the same objectionable request. The request seeks identification or copies of "all documents or other materials reviewed for any purpose, even if not relied upon, by the witness in the course of preparing his . . . testimony in this proceeding."

This request could only be drafted by a utility lawyer not concerned with whether their work product produced any tangible benefit aside from helping to inflate the client's test year expenses. The request is absurdly overbroad. A qualified expert witness in ratemaking will rely upon their experience, often assembled over the course of decades, in formulating opinions and

identifying issues. Thus, in one sense, the witness' preparation to give testimony extends over years. Does FPL expect to have an identification by the witness of trade press materials reviewed over that time or materials reviewed in a 1987 rate case which help shape a witness' opinion concerning how deferred taxes should be treated? What about the daily newspaper? Since the witness is expected to be cognizant of broad social and economic trends, and since the reading of a newspaper means the witness has "reviewed [it] for any purpose," daily review of the newspaper would fall within this absurdly overbroad request, clearly intended to harm rather than produce usable information. FPL's overreaching and its fundamental goals behind its requests are highlighted by these examples. FPL's requests should be denied in their entirety.

Respectfully submitted,

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

§
§

Docket No.: 001148-EI
Dated Filed: February ____, 2002

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of South Florida Hospital and Healthcare Association's Objections to FPL's First Set of Interrogatories have been served by Federal Express to John T. Butler, Esquire, Steel, Hector & Davis, 200 South Biscayne Boulevard, Miami, Florida 33131 on behalf of Florida Power and Light Company and that a true copy thereof has been furnished by U.S. mail this 8th day of February, 2002 to the following:

Robert V. Elias, Esquire
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Florida Public Service Commission
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Tallahassee, Florida 32399-0850

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Attorney
Florida Power & Light Company
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William G Walker, III
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Mark F. Sundback

Mark F. Sundback

EXHIBIT 3

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 001148-EI
Served: February 8, 2002

**PUBLIC COUNSEL'S ANSWERS TO FIRST SET OF INTERROGATORIES
PROPOUNDED BY FLORIDA POWER & LIGHT COMPANY (NOS. 1-9)**

The Citizens of the State of Florida, through the Office of Public Counsel, pursuant to Rule 1.340, Florida Rules of Civil Procedure, and Order No. PSC-02-0089-PCO-PI answer the first set of interrogatories (nos. 1-9) propounded by Florida Power & Light Company on January 31, 2002, as follows:

INTERROGATORIES

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.

Answer: No positions have been formulated at this time. Public Counsel's positions on issues will be disclosed in the prehearing statement to be filed on March 14, 2002.

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.

Answer: The subject matter of each of Public Counsel's witness's testimony will be disclosed in the testimony to be filed on March 4, 2002. The testimony may or may not specifically address issues as they are currently identified and it may address additional issues developed through discovery or otherwise. In the prehearing statement filed March 14, 2002, the witness sponsoring each position will be identified.

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).

Answer: Proposed rate base disallowances will either be reflected in the prefiled testimony of witnesses on March 4, 2002, or in the prehearing statement to be filed March 14, 2002, or both.

- b. Please identify any witness(es) you intend to have testify relating to any disallowance(s) identified in response to 2(a) above, and state the subject matter of each such witness's testimony.

Answer: The subject matter of each of Public Counsel's witness's testimony will be disclosed in the testimony to be filed on March 4, 2002. The testimony may or may not specifically address issues as they are currently identified and it may address additional issues developed through discovery or otherwise. In the prehearing statement filed March 14, 2002, the witness sponsoring each position will be identified.

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.

Answer: The ROE thought to be proper, as well as the basis for that opinion, will be reported in prefiled direct testimony on March 4, 2002.

- 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.

Answer: The subject matter of each of Public Counsel's witness's testimony will be disclosed in the testimony to be filed on March 4, 2002. The testimony may or may not specifically address issues as they are currently identified and it may address additional issues developed through discovery or otherwise. In the prehearing statement filed March 14, 2002, the witness sponsoring each position will be identified.

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.

Answer: The basis for a recommended equity ratio will be described in detail in the prefiled testimony of one or more witnesses on March 4, 2002. It is doubtful that any recommended equity ratio suggested by Public Counsel could be arrived at through computations made with reference to one or more of FPL's surveillance reports. However, if such a computation can be provided, it will either be included in prefiled testimony or provided to FPL (at its Tallahassee office or at the Tallahassee office of Steel Hector Davis) by the close of business on March 7, 2002.

- 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.

Answer: The subject matter of each of Public Counsel's witness's testimony will be disclosed in the testimony to be filed on March 4, 2002. The testimony may or may not specifically address issues as they are currently identified and it may address additional issues developed through discovery or otherwise. In the prehearing statement filed March 14, 2002, the witness sponsoring each position will be identified.

5. Do you contend that FPL's 2002 test year jurisdictional net operating income of \$873,016,000 should be adjusted for ratemaking purposes in this proceeding? If so:

- a. Please identify the nature and amount of any such adjustment(s) and state and describe in detail the basis for your adjustment(s).

Answer: Any adjustments to NOI will either be reflected in the prefiled testimony of witnesses on March 4, 2002, or in the prehearing statement to be filed March 14, 2002, or both.

- b. Please identify any witness(es) you intend to have testify relating to any adjustment(s) identified in response to 5(a) above, and state the subject matter of each such witness's testimony.

Answer: The subject matter of each of Public Counsel's witness's testimony will be disclosed in the testimony to be filed on March 4, 2002. The testimony may or may not specifically address issues as they are currently identified and it may address additional issues developed through discovery or otherwise. In the prehearing statement filed March 14, 2002, the witness sponsoring each position will be identified.

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 file in its MFR's? If so:

a. Please state and describe in detail the basis for your contention.

Answer: Public Counsel's contentions and adjustments, if any, will be reflected in testimony to be filed March 4, 2002, and/or in positions taken in the prehearing statement on March 14, 2002.

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.

Answer: The subject matter of each of Public Counsel's witness's testimony will be disclosed in the testimony to be filed on March 4, 2002. The testimony may or may not specifically address issues as they are currently identified and it may address additional issues developed through discovery or otherwise. In the prehearing statement filed March 14, 2002, the witness sponsoring each position will be identified.

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.

Answer: Public Counsel's contentions and adjustments, if any, will be reflected in testimony to be filed March 4, 2002, and/or in positions taken in the prehearing statement on March 14, 2002.

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.

Answer: The subject matter of each of Public Counsel's witness's testimony will be disclosed in the testimony to be filed on March 4, 2002. The testimony may or may not specifically address issues as they are currently identified and it may address additional issues developed through discovery or otherwise. In the prehearing statement filed March 14, 2002, the witness sponsoring each position will be identified.

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.

Answer: Public Counsel's adjustments, if any, will be reflected in testimony to be filed March 4, 2002, and/or in positions taken in the prehearing statement on March 14, 2002.

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.

Answer: The subject matter of each of Public Counsel's witness's testimony will be disclosed in the testimony to be filed on March 4, 2002. The testimony may or may not specifically address issues as they are currently identified and it may address additional issues developed through discovery or otherwise. In the prehearing statement filed March 14, 2002, the witness sponsoring each position will be identified.

9. With respect to each and every witness identified in your responses to Interrogatory Nos. 1 to 8 above, please state the following:

a. The witness's business address;

Answer: Each witness's business address will be disclosed in his or her prefiled testimony filed March 4, 2002.

b. The witness's qualifications;

Answer: Each witness's qualifications will be disclosed in his or her prefiled testimony filed March 4, 2002.

c. The scope of the witness's employment in the pending matter;

Answer: The scope of each witness's employment in the pending matter will be disclosed in his or her prefiled testimony on March 4, 2002.

- d. The witness's general litigation experience, including the percentage of work performed for regulatory bodies or public counsel;

Answer: Each witness's general litigation experience will either be disclosed in his or her prefiled testimony filed March 4, 2002, or this information will be provided to FPL (at its Tallahassee office or at the Tallahassee office of Steel Hector Davis) by the close of business on March 7, 2002.

- e. Identify each proceeding, regulatory or other, in the last five years in which the witness has offered testimony on the same topic or on a topic similar to the topic on which the witness is offering testimony in this proceeding;

Answer: The proceedings in which the witness has offered testimony in the last five years will either be disclosed in his or her prefiled testimony filed March 4, 2002, or this information will be provided to FPL (at its Tallahassee office or at the Tallahassee office of Steel Hector Davis) by the close of business on March 7, 2002.

- f. Identify each proceeding, regulatory or other, in the last five years in which the witness has offered testimony on any topic other than that referred to in 9(e) above.

Answer: The proceedings in which the witness has offered testimony in the last five years will either be disclosed in his or her prefiled testimony filed March 4, 2002, or this information will be provided to FPL (at its Tallahassee office or at the Tallahassee office of Steel Hector Davis) by the close of business on March 7, 2002.

- g. Identify all texts, treatises or textbooks, or other materials referred to and/or relied upon by the witness in the course of preparing his or her testimony in this proceeding.

Answer: The material upon which each witness relied will either be disclosed in his or her prefiled testimony filed March 4, 2002, or this information will be provided to FPL (at its Tallahassee office or at the Tallahassee office of Steel Hector Davis) by the close of business on March 7, 2002.

- h. Identify all documents, other materials or information reviewed by the witness, whether or not referred to or relied upon, in the course of preparing his or her

testimony in this proceeding, including but not limited to identifying by bates number all FPL documents reviewed by the witness.

Answer: The material reviewed by each witness in the course of preparing his or her testimony will either be disclosed in his or her prefiled testimony filed March 4, 2002, or this information will be provided to FPL (at its Tallahassee office or at the Tallahassee office of Steel Hector Davis) by the close of business on March 7, 2002.

- a. Please produce all direct, rebuttal and/or sur-rebuttal testimony filed with any Public Utility Commission or Public Service Commission, or the Federal Energy Regulatory Commission in the last five (5) years relating to the same and/or similar topic on which the witness is filing testimony in this proceeding.

Response: Documents responsive to this request will be provided to FPL (at its Tallahassee office or at the Tallahassee office of Steel Hector Davis) by the close of business on March 7, 2002.

- b. Please produce all documents, including but not limited to: workpapers, spreadsheets, electronic files, texts, treatises, textbooks or other materials that will be referred to and/or relied upon by the witness in the course of preparing his or her testimony in this proceeding.

Response: Documents responsive to this request will be provided to FPL (at its Tallahassee office or at the Tallahassee office of Steel Hector Davis) by the close of business on March 7, 2002.

- c. Please produce all articles published or submitted for publication by the witness in the last five (5) years on the same topic and/or a topic similar to the one that the witness is filing testimony on in this proceeding.

Response: Documents responsive to this request will be provided to FPL (at its Tallahassee office or at the Tallahassee office of Steel Hector Davis) by the close of business on March 7, 2002.

- d. Please produce all documents and source documents used to create and develop the exhibits to the witness's testimony, if any.

Response: Documents responsive to this request will be provided to FPL (at its Tallahassee office or at the Tallahassee office of Steel Hector Davis) by the close of business on March 7, 2002.

- e. Please produce all documents or other materials reviewed for any purpose, even if not relied upon, by the witness in the course of preparing his or testimony in this proceeding.

Response: Documents responsive to this request will be provided to FPL (at its Tallahassee office or at the Tallahassee office of Steel Hector Davis) by the close of business on March 7, 2002.

**CERTIFICATE OF SERVICE
DOCKET NO. 001148-EI**

I HEREBY certify that a copy of the foregoing PUBLIC COUNSEL'S RESPONSE TO FLORIDA POWER & LIGHT COMPANY'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-2) has been served by *hand delivery (and E-Mail), or U.S. Mail (and E-Mail) to the following parties of record on this 8th day of February, 2002:

Robert V. Elias, Esquire*
William Cochran Keating, IV, Esquire*
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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Seann M. Frazier, Esquire
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Post Office Drawer 1838
Tallahassee, FL 32302



John Roger Howe
Deputy Public Counsel

**CERTIFICATE OF SERVICE
DOCKET NO. 001148-EI**

I HEREBY certify that a copy of the foregoing PUBLIC COUNSEL'S ANSWERS TO FIRST SET OF INTERROGATORIES PROPOUNDED BY FLORIDA POWER & LIGHT COMPANY (NOS. 1-9) has been served by *hand delivery (and E-Mail), or U.S. Mail (and E-Mail) to the following parties of record on this 8th day of February, 2002:

Robert V. Elias, Esquire*
William Cochran Keating, IV, Esquire*
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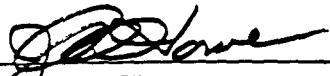
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John Roger Howe
Deputy Public Counsel

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 001148-EI
Served: February 8, 2002

**PUBLIC COUNSEL'S RESPONSE TO FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-2)**

The Citizens of the State of Florida, through the Office of Public Counsel, pursuant to Rule 1.350, Florida Rules of Civil Procedure, and Order No. PSC-02-0089-PCO-PI respond to Florida Power & Light Company's first request for production of documents (nos. 1-2) served on January 31, 2002, as follows:

DOCUMENTS REQUESTED


1. Please produce all documents you used to answer FPL's First Set of Interrogatories to you, and all documents you intend to introduce at trial relating to any of the issues raised in FPL's interrogatories.

Response: No documents were used to answer FPL's First Set of Interrogatories. Documents intended to be used at trial will include exhibits appended to or referred to in the prefiled testimony of Public Counsel's witnesses which will be filed on March 4, 2002. Other documents intended to be introduced at trial will be identified in the prehearing statement to be filed March 14, 2002. These other documents may include some of those produced by FPL in response to discovery by the various parties in this proceeding. Any documents not already in FPL's possession will be provided to FPL (at its Tallahassee office or at the Tallahassee office of Steel Hector Davis) by the close of business on March 18, 2002. Certain other documents may be selected for possible use as necessary at hearing during examination of company and intervenor witnesses, but their selection, when made, will be protected work product.

2. For each witness you identified in your answers to FPL's First Set of Interrogatories:

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