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April 29, 2002

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

Re: Florida Power & Light Company's Objections to and Requests for Clarification of Mirant's First Set of Interrogatories (Nos. 1-11) and First Request for Production of Documents (Nos. 1-8)
Docket No. 020262-EI
Docket No. 020263-EI

Dear Ms. Bayo:

Enclosed for filing please find the original and fifteen (15) copies of Florida Power & Light Company's Objections to and Requests for Clarification of Mirant's First Set of Interrogatories (Nos. 1-11) and First Request for Production of Documents (Nos. 1-8) in the above-referenced docket. An electronic copy is provided on a diskette. The enclosed diskette is HD density, the operating system is Windows 2000, and the word processing software in which the document appears is Word 97.

Very truly yours,



William K. Hill, P.A.

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Enclosure

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power & Light Company for a determination of need for a power plant proposed to be located in Martin County

Docket No. 020262-EI

In re: Petition of Florida Power & Light Company for a determination of need for a power plant proposed to be located in Manatee County

Docket No. 020263-EI

Dated: April 29, 2002

FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS TO AND REQUESTS FOR CLARIFICATION OF MIRANT'S FIRST SET OF INTERROGATORIES (NOS. 1-11) AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-8)

Florida Power & Light Company ("FPL") hereby submits the following objections to and requests for clarification of Mirant's First Set of Interrogatories (Nos. 1-11) and First Request for Production of Documents (Nos. 1-8) ("Mirant's First Set").

I. Preliminary Nature of These Objections

The objections stated herein are preliminary in nature and are made at this time consistent with FPL's commitment to raise objections to the extent possible 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 requested information, FPL reserves the right to file a motion with the Commission seeking such an order at the time its response is due.

DOCUMENT NUMBER-DATE

04736 MAY-18

II. General Objections

FPL objects to each and every one of the interrogatories and requests for documents 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 make a final determination of whether the discovery requests call for the disclosure of confidential information. However, if it determines that any of the discovery requests would require the disclosure of confidential information, FPL 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 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 Mirant's First Set to the extent that it calls for the creation of information, rather than the reporting of presently existing information, as purporting to expand FPL's obligation under the law.

FPL objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available to Mirant through normal procedures.

Numerous of the interrogatories and requests for production of documents are not expressly limited to data or analyses performed in connection with the evaluation of the Martin and Manatee projects that are the subjects of these dockets. FPL assumes that, unless expressly stated to the contrary, the interrogatories and requests for production of documents in the First Set are intended to refer to data or analyses related to those projects and objects to the extent that any such discovery requests are not so limited, on the grounds that they would be overbroad, irrelevant and burdensome.

FPL objects to any interrogatories or requests for production that seek information about, or in the possession of, FPL's parent or affiliated companies.

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 and Requests for Clarification

Interrogatory No. 3. This interrogatory references a "request 7 above", but there is no such request number above. Please clarify to which request this interrogatory intends to refer.

Interrogatory No. 11. This interrogatory seeks the names, positions, etc. of all individuals who assisted in preparation of these answers. FPL objects to providing the names of all participating individuals as overly broad and unduly burdensome, but states that it will provide affidavits of the individuals sponsoring each answer.

Request to Produce No. 1. FPL objects to providing correspondence, etc. with Mirant on the grounds that it is unnecessarily and unduly burdensome for FPL to produce documents that should already be in Mirant's custody or control.


Request to Produce No. 2. FPL objects to providing all internal correspondence, etc. with regard to the RFP on the grounds that it is an unduly burdensome and overly broad request. FPL will produce such documents (subject to all objections) with regard to the evaluation of the proposals.

Request to Produce Nos. 3 and 4. FPL objects to providing correspondence, etc. between FPL and its affiliates on the grounds that such documents are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objection, FPL states that, at this preliminary stage, it is unaware of any responsive documents.

Respectfully submitted,

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By: 
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CERTIFICATE OF SERVICE
Docket Nos. 020262-EI and 020263-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Objections to and Requests for Clarification of Mirant's First Set of Interrogatories (Nos. 1-11) and First Request for Production of Documents (Nos. 1-8) has been furnished by United States Mail this 29th day of April, 2002, to the following:

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