

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine)
need for an electrical power)
plant in Martin County by)
Florida Power & Light Company.)
_____)

Docket No.: 020262-EI

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In re: Petition to determine)
need for an electrical power)
plant in Manatee County by)
Florida Power & Light Company.)
_____)

Docket No.: 020263-EI
Filed: August 9, 2002

**CPV GULF COAST, LTD.'S OBJECTIONS
TO FLORIDA POWER & LIGHT COMPANY'S
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (Nos. 27-43)**

CPV Gulfcoast, Ltd. ("CPV Gulfcoast"), pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340, 1.350 and 1.280(b), Florida Rules of Civil Procedure, hereby submits the following Objections to Florida Power & Light Company's (FPL) Second Request for Production of Documents:

INTRODUCTION

The objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the 10-day requirement as set forth in Order No. PSC-02-0992-PCO-EI ("Procedural Order") issued by the Florida Public Service Commission ("Commission") in the

above-referenced dockets. Should additional grounds for objection be discovered as CPV Gulfcoast prepares its responses to the above-referenced requests, CPV Gulfcoast reserves the right to supplement, revise or modify its objections at the time that it serves its responses on FPL. Moreover, should CPV Gulfcoast determine that a Protective Order is necessary with respect to any of the

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material requested by FPL, CPV Gulfcoast reserves the right to file a motion with the Commission seeking such an order at the time that it serves its answers and responses on FPL.

GENERAL OBJECTIONS

CPV Gulfcoast makes the following General Objections to FPL's Second Request for Production of Documents ("Second PRO"). These general objections apply to each of the individual requests in the Second PRO, respectively, and will be incorporated by reference into CPV Gulfcoast's responses and answers when they are served on FPL.

1. CPV Gulfcoast objects to the requests to the extent that such requests seek to impose an obligation on CPV Gulfcoast to respond on behalf of subsidiaries, parent entities, affiliates or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. CPV Gulfcoast objects to each and every request and instruction to the extent that such request or instruction calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege or other applicable privilege.

3. CPV Gulfcoast objects to each and every request insofar as the request is vague, ambiguous, overly broad, imprecise or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any responses provided by CPV Gulfcoast to FPL's requests will be provided subject to, and without waiver of, the foregoing objection.

4. CPV Gulfcoast objects to each and every request insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the

subject matter of this action. CPV Gulfcoast will attempt to note in its responses each instance where this objection applies.

5. CPV Gulfcoast objects to FPL's discovery requests, instructions and definitions, insofar as they seek to impose obligations on CPV Gulfcoast that exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

6. CPV Gulfcoast objects to providing information to the extent that such information is already in the public record before the Commission, or elsewhere. CPV Gulfcoast also objects to the extent that the documents requested have already been provided to FPL.

7. CPV Gulfcoast objects to each and every request, insofar as it is unduly burdensome, expensive, oppressive or excessively time consuming as written.

8. CPV Gulfcoast objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that FPL requests proprietary confidential business information which is not subject to the "trade secrets" privilege, CPV Gulfcoast may make such information available to counsel for FPL pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

9. CPV Gulfcoast objects to the nature of information sought by FPL on the following grounds: FPL filed Petitions for Need in these cases. Consequently, FPL has the affirmative burden of proving that its proposed projects will satisfy the statutory need criteria set forth in Section 403.519, Florida Statutes. FPL did not identify CPV Gulfcoast as a primarily-affected utility in this proceeding pursuant to Section 25-22.081, F.A.C. FPL did not short list or negotiate with CPV Gulfcoast. As an intervenor, CPV Gulfcoast must show that it was a participant in FPL's selection

process. See Rule 25-22.082(8), F.A.C. Nevertheless, FPL has served extensive discovery on CPV Gulfcoast, most of which is irrelevant, immaterial, argumentative, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Put simply, it is FPL's need case and selection process that is at issue, not CPV Gulfcoast's. To the extent that FPL somehow contends it needs CPV Gulfcoast's sensitive financial information to judge CPV Gulfcoast's ability to perform, now, after the fact, it ignores the RFP's requirement of certain completion security terms.

SPECIFIC OBJECTIONS: SECOND POD

In addition to the foregoing General Objections, CPV Gulfcoast raises the following Specific Objections to the following individual interrogatories in the Second POD:

27. Please provide a copy of CPV's Annual Reports for the years 1999, 2000, and 2001.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

28. Please provide all capital expenditure forecasts prepared by CPV within the last three years.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business

information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

29. Please provide each document in your possession, custody, or control showing, analyzing, discussing, or evaluating operating, capital, or financial plans prepared since January 1, 2000.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

30. Please provide all management audits, outside audit reports, and any other type of transactional reviews (whether internal or external) prepared since January 1, 2000.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

31. Please provide all documents prepared Since January 1, 2001 containing, describing, or discussing CPV's financial operating plans and/or the corporate goals and objectives of CPV.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

32. Please provide copies of Board of Director presentations made since January 1, 2000 which discuss, contain or address operating, capital budget, or financing plans for CPV.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

33. Please provide copies of all information and documents provided to investment bankers or brokerage institutions since January 1, 2000 including, but not limited to, news releases, financial presentations, interviews, correspondence, and data responses.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business

information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

34. Please provide all documents prepared in 2001 or 2002, that relate to the sale or potential sale of assets greater than \$10 million.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

35. Please provide all documents that relate to the cancellation by CPV or a counter party to CPV of significant purchase commitments or construction projects (over \$10 million).

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

36. Please provide copies of all agreements involving CPV for all current revolving credit arrangements.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

37. Please provide copies of all operating leases that contain restrictions on CPV's dividends, additional debt issuance, or overall debt levels.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

38. Please provide all documents that relate to borrowings, financing arrangements, whether secured or unsecured, providing a guarantee or other credit support with respect to the indebtedness provided for all construction projects, including but not limited to, loan and credit agreements, promissory notes, indentures, sale and lease-back arrangements and installment purchases, and any guarantees of any of the foregoing.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as

FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

39. Please provide all documents that relate to any defaults on any payment of interest on or principle of any indebtedness for construction projects during the past three years.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

40. Please provide all documents that relate to the pledge, hypothecation or giving of any security interest in CPV's assets, property or equipment for debt acquired for any of CPV's construction projects in the last three years.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

41. Please provide copies of any agreements involving CPV that contain ratings

triggers.

Objection: Compound, irrelevant, immaterial, overly broad, burdensome, and not likely to lead to the discovery of admissible evidence. This information is highly confidential business information, similar to information FPL has refused to provide on similar grounds. Moreover, as FPL and FPL Energy are competitors of CPV Gulfcoast's, this information should not be subject to disclosure, particularly to the extent that such information involves trade secrets or other proprietary information.

42. 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 years relating to the same and/or similar topic on which the witness is filing testimony in this proceeding.

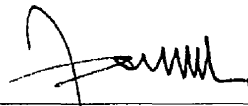
b. Please produce all articles published or submitted for publication by the witness in the last five years on the same topic and/or a topic similar to the one that the witness is filing testimony on in this proceeding.

Objection: To the extent that testimony or publications are readily available or contained within the public records, CPV Gulfcoast objects to producing said documents.

43. Please provide all documents identified, referenced or relied upon in answering each interrogatory included in FPL's Second Set of Interrogatories to CPV.

Objection: To the extent that said documents are in the possession of FPL, public records, or

otherwise readily available, CPV Gulfcoast objects to producing said documents. CPV Gulfcoast also objects to producing documents protected by the work product, attorney-client or other applicable privilege.



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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 on this 9th day of August, 2002, to those listed below:

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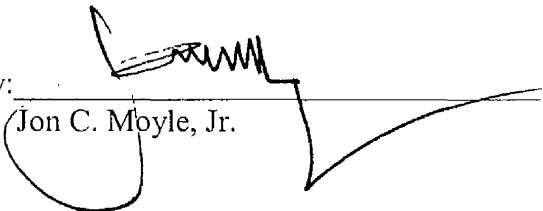
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