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August 12, 2002

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-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 Nos. 020262-EI and 020263-EI

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company in Docket Nos. 020262-EI and 020263-EI are the original and seven copies of:

Florida Power & Light Company's Objections to and Requests for Clarification of Staff's Second Request for Production of Documents (1-19) and Second Set of Interrogatories (1-36);

Florida Power & Light Company's Objections to and Requests for Clarification of CPV Gulfcoast LTD.'s First Request for Production of Documents (1-17) and Second Set of Interrogatories (20-77).

I have also provided a ^{*}diskette containing these documents. If there are any questions regarding this filing, please contact me at 305-577-2859.

Very truly yours,



Robert L. Powell, Jr., Esq.

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR Enclosures
- ECR cc: Counsel for Parties of Record
- GCL _____
- OPC _____
- MMS _____
- SEC
- OTH _____

*no diskette included

P005 1-17 Interrog
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FPSC-COMMISSION CLERK

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: August 12, 2002

**FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS
TO AND REQUESTS FOR CLARIFICATION OF STAFF'S
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS
(NOS. 1-19) AND SECOND SET OF INTERROGATORIES (NOS. 1-36)**

Florida Power & Light Company ("FPL") hereby submits the following objections to and requests for clarification of the Staff to the Public Service Commission's ("Staff's") Second Request for Production of Documents ("Request for Production") and Second Set of Interrogatories ("Interrogatories").

I. Preliminary Nature of These Objections

The objections stated herein are preliminary in nature and are made at this time consistent with procedural Order PSC-02-0992-PCO-EI of the Florida Public Service Commission ("Commission"), which requires a respondent to raise objections or requests for clarification 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 020263-EI

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FPSC-COMMISSION CLERK

II. General Objections

FPL objects to each and every one of the 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 Staff's Requests for Production and Interrogatories to the extent that they call 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 Staff through normal procedures.

FPL notes that the cumulative effect of the many discovery requests in these proceedings make Staff's requests for irrelevant or marginally relevant information or documents overly burdensome. Even if an individual request on its own may not seem overly burdensome, the fact that FPL is responding to numerous requests with overlapping expedited deadlines creates a cumulative burden on FPL, which must be taken into account when looking at whether responding to a discovery request is overly burdensome.

Numerous of the discovery requests 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, Staff's discovery requests 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 overly broad, irrelevant and burdensome.

FPL objects to Staff's Requests for Production and Interrogatories regarding FPL's affiliated corporate entities, including FPL Group and FPL Energy on the basis that they are overly broad, unduly burdensome, and irrelevant to these proceedings. FPL will respond to

Staff's Interrogatories and Requests for Production only insofar as they relate to FPL alone and not its affiliates.

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 Request for Clarification – Requests for Production

Request for Production Nos. 17, 18 and 19. FPL objects to these requests as being overly broad, unduly burdensome and irrelevant to these proceedings to the extent they seek documents regarding FPL Group, Inc. FPL will respond to these requests as to FPL only.

IV. Specific Objections and Request for Clarification – Interrogatories

Interrogatory Nos. 11 and 12. FPL objects to providing information on total annual air emissions, annual fuel use, and types of fuels for the existing generating units at the FPL Manatee site for the ten years before and the ten years after the commencement of commercial operation of the Proposed Unit 3. FPL objects to these interrogatories because they seek detailed information over a ten-year period regarding two existing generating units, which are not the subject these proceedings. The information sought by these interrogatories is irrelevant and would not lead to information relevant to these proceedings. FPL further objects because these interrogatories are overly broad and unduly burdensome. Notwithstanding and without waiver of these objections, in response to Interrogatory No. 11, FPL will provide Staff the projected fuel use, fuel type, and estimated emissions of principal air pollutants only for the proposed Manatee Unit 3 for the ten years following commencement of operation of Unit 3.

Interrogatory No. 17. FPL objects to this interrogatory because it seeks information irrelevant to any issues in these proceedings. FPL's decision to make the existing Manatee Units

1 and 2 dual fuel capable was an independent decision that predated its decision to initiate the initial RFP.

Interrogatory No. 18. FPL objects to this interrogatory because it would require the substantial generation of new information. FPL has not performed this analysis and does not perform this type of analysis in the normal course of its business. Nor would this type of analysis be appropriate. Even if FPL were to perform this analysis, such analysis would be irrelevant because any change would affect FPL and the bidders equally.

Interrogatory No. 29. FPL objects to this request because it would require the substantial generation of new information. FPL has not performed this analysis and does not perform this type of analysis in the normal course of its business.

Interrogatory Nos. 31. FPL objects to this interrogatory because it would require the substantial generation of new information. FPL has not performed this analysis and does not perform this type of analysis in the normal course of its business.


Interrogatory Nos. 33 and 34. FPL objects to these interrogatories as being overly broad, unduly burdensome and irrelevant to these proceedings to the extent they seek information regarding FPL Energy or any other FPL Group affiliate. FPL will respond to these requests as to FPL only.

Interrogatory Nos. 35. FPL objects to this interrogatory as being overly broad, unduly burdensome and irrelevant to these proceedings to the extent it seeks information regarding FPL Energy or any other FPL Group affiliate. FPL will respond to these requests as to FPL only. Notwithstanding and without waiver of these objections, FPL will provide Staff with fixed term contracts that FPL entered into during the last three years to sell power for a period of six months or longer.

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Respectfully submitted,

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By: 
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Florida Bar No. 0195464

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 Staff's Second Request for Production of Documents (Nos. 1-19) and Second Set of Interrogatories (Nos. 1-19) have been furnished electronically (*) and by U.S. Mail this 12th day of August, 2002, to the following:

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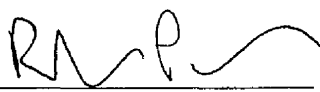
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