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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 <sup>\*</sup>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

P00s 1-17 Interrog 1-36  
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## **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 CPV Gulfcoast'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 CPV Gulfcoast through normal procedures.

FPL notes that the cumulative effect of the many discovery requests in these proceedings make CPV Gulfcoast'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.

CPV Gulfcoast has objected to a number of discovery requests that FPL has propounded upon it, but has turned around and asked FPL some of the very same questions to which it has objected. FPL objects to responding to these discovery requests on the basis that CPV Gulfcoast is making these requests in order to harass FPL.

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, CPV Gulfcoast'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 CPV Gulfcoast's definition of "FPL" in its Interrogatories and its definition of "FPL" and "You" in its Request for Production. Requests for information and documents regarding FPL's affiliated corporate entities, including FPL Group and FPL Energy are overly broad, unduly burdensome, and irrelevant to these proceedings. FPL will respond to CPV Gulfcoast'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. 1-17. Requests for information and documents regarding FPL's affiliated corporate entities, including FPL Group and FPL Energy are overly broad, unduly burdensome, and irrelevant to these proceedings. Subject to the additional objections listed below, FPL will respond to CPV Gulfcoast's Requests for Production only insofar as they relate to FPL alone and not its affiliates.

Request for Production No. 2. FPL interprets this request as seeking purchased power contracts for firm capacity that FPL has entered into for a term of longer than one year. To the extent this request seeks contracts beyond this interpretation, the request is overly broad, unduly burdensome, and seeks documents irrelevant to these proceedings. FPL further objects to this request because it seeks confidential contracts unrelated to these proceedings that FPL is required to maintain as confidential. These contracts and the specific terms within are deemed confidential by both FPL and the parties with whom it has entered into contracts and have been

treated as confidential by all parties. FPL can only secure favorable purchase power contracts if the parties with whom it has contracted are confident that the terms and conditions will not become public knowledge and then be used against them in subsequent negotiations with other prospective competitors. Some of the parties to this docket, including those that have signed the nondisclosure agreement, are competitors of FPL and the parties with whom FPL has entered into purchased power contracts. FPL will provide copies of purchased power contracts with the confidential portions redacted.

Request for Production Nos. 3 and 4. FPL objects to these requests because they are overly broad, unduly burdensome and seek documents irrelevant to these proceedings.

Request for Production No. 5. FPL objects to this request because it is overly broad, unduly burdensome and seeks documents irrelevant to these proceedings. Notwithstanding and without waiver of these objections, FPL will provide CPV Gulfcoast publicly filed documents responsive to this request.

Request for Production No. 6. FPL objects to this request because it is overly broad, unduly burdensome and seeks documents irrelevant to these proceedings. FPL is already providing CPV Gulfcoast with a list of FPL's outstanding debt in response to CPV Gulfcoast's Interrogatory No. 41. This request would require the additional identifying and processing of thousands of pages of documents for what is essentially information that will be provided in Interrogatory No. 41.

Request for Production Nos. 7, 8, and 13. FPL objects to these requests because they are overly broad, unduly burdensome and seek documents irrelevant to these proceedings. Notwithstanding and without waiver of these objections, FPL will provide CPV Gulfcoast publicly available information responsive to these requests.

Request for Production No. 9. FPL objects to providing all versions and revisions of the construction schedules, as this request is overly broad and unduly burdensome. FPL further objects to this request to the extent that it seeks confidential proprietary contractual information in the nature of trade secrets. FPL's vendors require that the terms and conditions of its combustion and steam turbine and HRSG contracts be kept confidential. FPL can only secure favorable terms and conditions for its combustion and steam turbines and HRSG contracts if the vendors with whom it negotiates are confident that the terms and conditions they are will not become public knowledge and then be used against them in subsequent negotiations with other prospective customers. Some of the parties to this docket, including those that have signed the nondisclosure agreement, may be prospective customers for the types of combustion and steam turbines and HRSGs detailed in documents responsive to this request. Notwithstanding and without waiver of these objections, in response to this request, FPL will provide CPV Gulfcoast with the most recent Level 1 summary schedule for each of its generating unit construction projects with portions redacted to remove confidential proprietary contractual information.

Request for Production No. 14. FPL objects to this request because it is overly broad, unduly burdensome and seeks many documents that are confidential and/or trade secret. FPL will provide CPV Gulfcoast documents identified, referenced, or relied upon in answering the Interrogatories to the extent that such request is not overly broad, unduly burdensome or seeks confidential documents.

Request for Production No. 15. FPL objects to this request because it is irrelevant and unduly burdensome in the nature of harassment. There is no merchant plant activity in the State of Florida that is relevant to any issue in these proceedings.

#### **IV. Specific Objections and Request for Clarification – Interrogatories**

Interrogatory Nos. 20-77. Requests for information and documents regarding FPL's affiliated corporate entities, including FPL Group and FPL Energy are overly broad, unduly burdensome, and irrelevant to these proceedings. Subject to the additional objections listed below, FPL will respond to CPV Gulfcoast's Interrogatories only insofar as they relate to FPL alone and not its affiliates.

Interrogatory No. 20. FPL objects to this interrogatory because it seeks confidential information about the status of active negotiations and specific contractual terms. FPL is under contractual obligation to maintain as confidential the detailed pricing information of combustion and steam turbines and HRSGs. FPL's vendors require that the terms and conditions of its combustion and steam turbine and HRSG contracts be kept confidential. FPL can only secure favorable terms and conditions for its combustion and steam turbines and HRSG contracts if the vendors with whom it negotiates are confident that the terms and conditions they are will not become public knowledge and then be used against them in subsequent negotiations with other prospective customers. The parties to this docket, including those that have signed the nondisclosure agreement, may be prospective customers for the types of combustion and steam turbines and HRSGs referred to in this interrogatory. Notwithstanding and without waiver of this objection, FPL will answer the first part of this interrogatory.

Interrogatory No. 25. FPL objects to this interrogatory because it is overly broad and unduly burdensome and would require that FPL generate new information. Further, this interrogatory seeks the disclosure of confidential and proprietary construction schedules. Disclosure of the specific milestones would reveal confidential and proprietary contractual terms and conditions for major equipment, including combustion and steam turbines and HRSGs.



FPL's vendors require that the terms and conditions of its combustion and steam turbine and HRSG contracts be kept confidential. FPL can only secure favorable terms and conditions for its combustion and steam turbines and HRSG contracts if the vendors with whom it negotiates are confident that the terms and conditions they are will not become public knowledge and then be used against them in subsequent negotiations with other prospective customers. Some of the parties to this docket, including those that have signed the nondisclosure agreement, may be prospective customers for the types of combustion and steam turbines and HRSGs detailed in documents responsive to this interrogatory. Notwithstanding and without waiver of this objection, FPL will provide summary level schedules responsive to this interrogatory with the confidential and proprietary portions redacted.

Interrogatory Nos. 33 and 35. FPL objects to these interrogatories because they are overly broad, unduly burdensome and seek information that is irrelevant to these proceedings.

Interrogatory No. 36. FPL objects to this interrogatory because it is overly broad, unduly burdensome in the nature of harassment, and seeks information that is irrelevant to these proceedings.

Interrogatory No. 40. FPL objects to this interrogatory because it is overly broad, unduly burdensome and seeks information that is irrelevant to these proceedings, particularly as this interrogatory is unlimited in time.

Interrogatory No. 41. FPL objects to this interrogatory because it is overly broad, unduly burdensome and seeks information that is irrelevant to these proceedings. FPL further objects that this interrogatory seeks highly sensitive proprietary information. Notwithstanding and without waiver of these objections, FPL will provide CPV Gulfcoast with readily available information that is not of the highly sensitive proprietary nature.

Interrogatory No. 46. FPL objects to this interrogatory because it is overly broad, unduly burdensome and seeks information that is irrelevant to these proceedings. FPL further objects that this request would require the generation of new information as FPL does not have information in this format.

Interrogatory Nos. 48, 49, 50, and 51. FPL objects to these interrogatories because they are overly broad, unduly burdensome, and seek information irrelevant to these proceedings. Notwithstanding and without waiver of these objections, FPL will provide CPV Gulfcoast readily available information found in its publicly filed financial reports.

Interrogatory Nos. 57 and 58. FPL objects to these questions because they ask for comparisons with an FPL affiliate. Requests for information and documents regarding FPL's affiliated corporate entities, including FPL Group and FPL Energy are overly broad, unduly burdensome, and irrelevant to these proceedings. Further, FPL does not have access to this information.

Interrogatory No. 60. FPL objects to this interrogatory because it is overly broad, unduly burdensome, and seeks information irrelevant to these proceedings. FPL further objects that this interrogatory seeks highly sensitive proprietary and competitive information to FPL and the parties to the transactions. Notwithstanding and without waiver of these objections, FPL will provide CPV Gulfcoast readily available summary level information found in its publicly filed financial reports.

Interrogatory No. 61. FPL objects to this interrogatory because it is overly broad, unduly burdensome, and seeks information irrelevant to these proceedings.

Interrogatory Nos. 63 and 64. FPL objects to these interrogatories because they are overly broad, unduly burdensome and seek information irrelevant to these proceedings. The

amount of work required to identify any document related to cost would be too great. Notwithstanding and without waiver of these objections, FPL will answer the questions posed and provide CPV Gulfcoast with relevant budget and actual cost information with the confidential and proprietary portions redacted.

Interrogatory Nos. 65 and 66. FPL objects to these interrogatories because they are overly broad, unduly burdensome and seek information irrelevant to these proceedings. The amount of work required to identify and produce all documents related to the construction schedules would be too great. FPL further objects that these interrogatories require the disclosure of confidential and proprietary information. Notwithstanding and without waiver of these objections, FPL will answer the questions posed and provide CPV Gulfcoast with the most recent summary level schedule with the confidential and proprietary portions redacted.

Interrogatory Nos. 67 and 68. FPL objects to these interrogatories to the extent that they and Request for Production No. 14 require FPL to provide CPV Gulfcoast with the contracts identified in the interrogatories, as these contracts contain detailed cost information that is confidential and proprietary. Notwithstanding and without waiver of these objections, FPL will answer the questions posed.

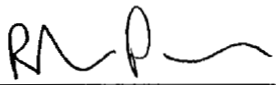
Interrogatory Nos. 69 and 70. FPL objects to these interrogatories because they are overly broad, unduly burdensome and seek information irrelevant to these proceedings. FPL further objects that these interrogatories require the disclosure of confidential and proprietary information. Notwithstanding and without waiver of these objections, FPL will answer the questions posed and provide CPV Gulfcoast with the documents relied upon in answering these interrogatories in accordance with Request for Production No. 14 with the confidential and proprietary portions redacted.

Interrogatory Nos. 71 and 72. FPL objects to these interrogatories on the basis that they are overly broad, unduly burdensome and seek information irrelevant to these proceedings to the extent that they and Request for Production No. 14 require FPL to provide CPV Gulfcoast with the actual change orders identified in response to these interrogatories. These actual change orders also contain highly sensitive proprietary and competitive information, which FPL objects to providing.

Respectfully submitted,

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By:   
Robert L. Powell, Jr.  
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 CPV Gulfcoast's First Request for Production of Documents (Nos. 1-17) and Second Set of Interrogatories (Nos. 20-77) have been furnished electronically (\*) and by U.S. Mail this 12th day of August, 2002, to the following:

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