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August 21, 2002

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VIA HAND DELIVERY

Blanca S. Bayó, Director
Division of the Commission Clerk &
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
02 AUG 21 PM 4:28
COMMISSION
CLERK

Re: **Docket Nos. 020262-EI and 020263-EI**

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are the original and seven (7) copies of FPL's Motion to Compel the Florida Action Coalition Team to Respond to FPL's First Set of Interrogatories (Nos. 1-13) and First Request for Production of Documents (Nos. 1-15), 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.

AUS
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CTR
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OPC
MMS
SEC
OTH

If there are any questions regarding this transmittal, please contact me at 222-2300.

Very truly yours,

Elizabeth C. Daley

ECD:gc
Enclosure
Copy to: Counsel for All Parties of Record

DOCUMENT NUMBER DATE
08845 AUG 21 02
FPSC-COMMISSION CLERK

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination of Need)
for Proposed Electrical Power Plant in)
Martin County of Florida Power and)
Light Company)
_____)

DOCKET NO. 020262-EI

In re: Petition for Determination of Need)
For Proposed Electrical Power Plant in)
Manatee County of Florida Power and)
Light Company)
_____)

DOCKET NO. 020263-EI

Filed: August 21, 2002

**FLORIDA POWER & LIGHT COMPANY'S MOTION TO COMPEL
THE FLORIDA ACTION COALITION TEAM TO RESPOND
TO FLORIDA POWER & LIGHT COMPANY'S
FIRST SET OF INTERROGATORIES (NOS. 1-13) AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-15)**

Florida Power & Light Company ("FPL"), pursuant to Rules 28-106.206 and 28-106.303, Florida Administrative Code, hereby moves to compel the Florida Action Coalition Team ("FACT") to respond to FPL's First Set of Interrogatories (Nos. 1-13) and First Request for Production of Documents (Nos. 1-15), a copy of which is attached hereto as Exhibit 1 (the "Discovery"). The grounds for this motion are as follows:

1. On August 1, 2002, FPL served its Discovery on FACT in order to increase its knowledge about FACT's intervention in the present docket concerning FPL's Petitions for Determination of Need for Proposed Electric Power Plant.

2. Unfortunately, FACT has responded with nothing more than blanket objections to every request in the FPL Discovery. See FACT's Objections to Florida Power & Light Company's First Set of Interrogatories and FACT's Objections to Florida Power & Light

DOCUMENT NUMBER-DATE

08845 AUG 21 02

FPSC-COMMISSION CLERK

Company's First Request for Production of Documents, which are attached hereto as Exhibit 2 (the "FACT Objections").

3. FACT objects generally that the FPL Discovery is "not relevant to this proceeding" and further labels FPL Discovery as "an attempt to punish and otherwise harass FACT for intervening in these proceedings." FACT Objections at III.

4. However, FPL's Discovery is relevant because FPL cannot effectively determine whether FACT can actually "prove up" its allegations of standing to intervene without identification of FACT's full membership and its exact reasons for intervention in this proceeding. FPL has reason to believe that FACT represents the economic interests of certain independent power producers instead of, or in addition to, the interests of individual customers.

5. Time is running out for discovery in this proceeding. FPL needs the discovery requested from FACT for its trial preparations and to contest FACT's standing to intervene. FPL cannot and does not waste time on frivolous harassment of FACT or any other parties. FPL's only purpose in this proceeding is to demonstrate under Florida law that the Commission should grant FPL's Petitions for Determination of Need. Thus, FPL is entitled to reasonable discovery from FACT and every other intervenor in order to seek proof of allegations of standing and to decide how to respond to potential challenges to FPL's Petitions for Determination of Need.

6. FACT's conduct regarding discovery requires FPL to move to compel. In addition to refusing to respond to legitimate written discovery, FACT has frustrated FPL's attempt to depose FACT's executive director, Ernie Bach, by untimely raising new objections to the deposition and by delaying the filing of a threatened motion for a protective order, most likely in order to avoid a ruling prior to the scheduled deposition. FPL has scheduled and then rescheduled a date for the deposition in order to accommodate FACT and its executive director.

7. The immediate purpose of the FPL Discovery is to learn as soon as possible (i) who are the members of FACT and whether FACT has standing as it has pled; (ii) FACT's positions on the issues in this case, (iii) FACT's witnesses, if any, and (iv) the materials FACT intends to rely upon in support of those positions. Receiving responses to basic questions in discovery from FACT and other intervenors is essential to FPL's ability to participate effectively in this proceeding.

8. FPL contests FACT's standing to intervene in this proceeding. Notwithstanding the Prehearing Officer's finding that FACT has "adequately alleged that the substantial interests of a substantial number of its members may be affected by the Commission's decision in these dockets," Order No. PSC-02-0934-PCO-EI (emphasis added), FACT still must "prove up" its allegations of standing in order to retain party status as an intervenor. See Edgewater Beach Owners Ass'n, Inc. v. Bd of County Commissioners of Walton Co., 1995 WL 1052993 (DOAH Case No. 95-0437DRI), *on remand from Edgewater Beach Owners Ass'n, Inc. v. Bd of County Commissioners of Walton Co.*, 645 So. 2d 541, 543 (Fla. 1st DCA 1994). In Edgewater Beach, an administrative law judge found, on remand from the First District Court of Appeal, that a petitioner lacked standing to appeal a development order because "the greater weight of the evidence" showed the petitioner had failed to present facts necessary to "prove up" the petitioner's allegations of standing that the appellate court initially found to be sufficient. Edgewater Beach (DOAH case), *supra*. See also Ocala/Silver Springs Hilton v. Ocala Park Centre Maintenance Assoc., 1997 WL 1052617 (DOAH Case No. 96-3848, April 24, 1997)(Petitioner to intervene was required to prove up its allegations of standing in the course of a formal administrative hearing.)

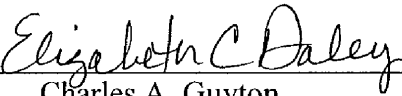
9. FPL seeks to learn whether FACT is acting to protect the interests of individual customers or to protect the economic interests of one or more independent power producers. FPL needs to receive discovery to gain further understanding of FACT's proof of standing, if any, in order to contest FACT's standing as an intervenor. FPL also needs to more fully understand FACT's position and the basis for its position in light of FACT's decision not to offer testimony. Consequently, FPL's motion to compel should be granted.

WHEREFORE, undersigned counsel respectfully requests that this Commission compel FACT to respond to FPL's First Set of Interrogatories (Nos. 1-13) and First Request for Production of Documents (Nos. 1-15).

Respectfully submitted,

R. Wade Litchfield, Esq.
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By: 
Charles A. Guyton
Elizabeth C. Daley

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

I HEREBY CERTIFY, that on this 21st day of August, 2002, a copy of Florida Power & Light Company's Motion To Compel FACT To Respond To Florida Power & Light Company's First Set Of Interrogatories (Nos. 1-13) And First Request For Production Of Documents (Nos. 1-15) to FACT was served electronically (*) and by U.S. Mail to the following:

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ernieb@gte.net

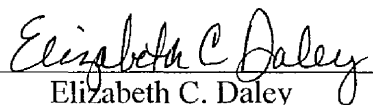
By: 
Elizabeth C. Daley

EXHIBIT 1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination of Need) DOCKET NO. 020262-EI
for Proposed Electrical Power Plant in)
Martin County of Florida Power and)
Light Company)
_____)

In re: Petition for Determination of Need) DOCKET NO. 020263-EI
For Proposed Electrical Power Plant in)
Manatee County of Florida Power and)
Light Company)
_____)
Filed: August 1, 2002

**FLORIDA POWER & LIGHT COMPANY'S
FIRST SET OF INTERROGATORIES
TO FLORIDA ACTION COALITION TEAM (Nos. 1-13)**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, Florida Power & Light Company ("FPL") hereby propounds the following interrogatories on the Florida Action Coalition Team ("FACT") and requests that they be answered separately, fully and under oath within twenty (20) days, pursuant to the time frames provided for in these proceedings.

DEFINITIONS

1. "You," "yours" and/or "yourselves" means FACT and any attorney, employee, agent, representative or other person acting or purporting to act on the behalf of FACT, including all persons who will offer testimony on your behalf in this proceeding.
2. "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.

3. “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 possession, custody, care or control, which pertain directly or indirectly, in whole or in part, to any of the subjects listed below, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, e-mails, diaries, minutes, books; reports, charts, ledgers, invoices, computer printouts, computer discs, microfilms, video tapes or tape recordings.

4. “FPL” means Florida Power & Light Company.

5. “FACT” means Florida Action Coalition Team.

6. “FPL’s Need Determination proceedings” means the present Florida Public Service Commission proceedings in Dockets 020262-EI and 020263-EI.

7. “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; and (4) when used with respect to a power generation project, to state the name of the project, its megawatt size, its location, its fuel type and the generating technology it employs.

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

9. "Relate to" shall mean contain, discuss, describe or address.
10. "All" means all or any.

INSTRUCTIONS

11. 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 or limited in any respect, please set forth the details of such qualifications and/or limitations.

12. 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.

13. 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.

14. 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.

15. 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.”

16. If any interrogatory fails to specify a time period from which items should be listed, identified or described, your answer shall include information from the previous three years.

17. 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.

INTERROGATORIES

1. Please identify all fact witnesses you anticipate calling in this proceeding, and for each witness provide a description of the facts and conclusions to which each witness will testify.

2. Please identify all expert witnesses you expect to call at the hearing in this matter, and for each expert witness provide the witness's qualifications, a detailed summary of the witness's expected testimony, and a listing (name, docket number, jurisdiction, date) of all prior proceedings in which the witness has testified.

3. Please describe FACT's development, including the year in which same was organized, the state or country in which FACT was organized, and the names of the founders of the organization.

4. Please list the exact current membership of FACT.

5. Please list the name and address of each FACT member who is a retail residential customer of FPL.

6. Please list the name and address of each FACT member who is currently a party in FPL's Determination of Need proceedings.

7. Please list the name and address of each FACT officer and explain how the officers are selected.

8. Please describe FACT's financial condition, including a detailed description of each source of funding for FACT, including (a) general funding and (b) funding for FACT's intervention in FPL's Determination of Need proceedings.

9. Please list the approximate percentage of FACT's budget that is derived from each of the funding sources listed in Interrogatory No. 8.

10. Please explain how and when FACT engaged the services of Michael B. Twomey, including the basis for his compensation and the person or persons responsible for compensating him.

11. Please discuss in detail the history of FACT's involvement in Florida Public Service Commission proceedings and other types of regulatory proceedings.

12. Please describe any vote in which the FACT membership has approved FACT's intervention in FPL's Determination of Need proceeding.

13. Please describe in detail each and every way in which FACT believes that FPL has failed to demonstrate that the proposed Manatee and Martin units are the most cost-effective means of meeting its capacity needs.

Respectfully submitted this 1 day of Aug, 2002.

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By: Elizabeth C. Daley
John T. Butler, P.A.
Florida Bar No. 283479
Elizabeth C. Daley
Florida Bar No. 0104507

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

I HEREBY CERTIFY, that on this 1st day of August, 2002, a copy or courtesy copy (*) of Florida Power & Light Company's First Set of Interrogatories to FACT was served electronically (**) and by U.S. Mail to the following:

Martha Carter Brown, Esq.**
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Facsimile: (850) 222-5606

By: 
Elizabeth C. Daley

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination of Need)
for Proposed Electrical Power Plant in)
Martin County of Florida Power and)
Light Company)
_____)

DOCKET NO. 020262-EI

In re: Petition for Determination of Need)
For Proposed Electrical Power Plant in)
Manatee County of Florida Power and)
Light Company)
_____)

DOCKET NO. 020263-EI

Filed: August 1, 2002

**FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
TO THE FLORIDA ACTION COALITION TEAM (NOS. 1-15)**

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 Florida Action Coalition Team ("FACT"), and requests that responsive documents be produced within twenty (20) days, pursuant to the time frames provided for in these proceedings.

DEFINITIONS

1. You," "yours" and/or "yourselves" means the Florida Action Coalition Team ("FACT"), and any attorney, employee, agent, representative or other person acting or purporting to act on the behalf of FACT, including all persons who will offer testimony on your behalf in this proceeding.

2. "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.

3. “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 possession, custody, care or control, which pertain directly or indirectly, in whole or in part, to any of the subjects listed below, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, e-mails, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, computer discs, microfilms, video tapes or tape recordings.

4. “FPL” means Florida Power & Light Company.

5. “FACT” means Florida Action Coalition Team.

6. “FPL’s Determination of Need proceedings” means the present Florida Public Service Commission proceedings in Dockets 020262-EI and 020263-EI.

7. “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; and (4) when used with respect to a power generation project, to state the name of the project, its megawatt size, its location, its fuel type and the generating technology it employs.

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

9. “Relate to” shall mean contain, discuss, describe or address.

10. “All” means all or any.

11. The singular of any word contained herein 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.”

INSTRUCTIONS

12. 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.

13. 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.

14. 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 way, please set forth the details and specifics of such qualification or limitation.

15. 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.

16. Computer-Generated Documents. If a requested document is on computer or word processing disc or tape, produce an electronic copy of the document and a printout of the document.

17. 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 provide all documents, including, but not limited to, a charter or other statement of purpose for FACT.
2. Please provide a list of the exact current membership of FACT.
3. Please provide the name and address of each FACT member who is a retail residential customer of FPL.
4. Please provide a list of FACT members who are currently parties in FPL's present Determination of Need proceedings.

5. Please provide all documents including, but not limited to, correspondence and other communications between FACT and each FACT member who is a retail residential customer of FPL.

6. Please provide a list of the officers of FACT and all documents relating to the selection process for those officers.

7. Please provide all documents that relate to lobby registrations filed by FACT.

8. Please provide all documents related to the following sources of funding for FACT: (a) general funding and (b) funding for FACT's intervention in FPL's Determination of Need proceedings.

9. Please provide all documents relating to funding for FACT that is derived from retail residential customers of FPL, from other FACT members, and from non-members of FACT.

10. Please provide all documents showing the approximate percentage of FACT's budget that is contributed by each of FACT's funding sources.

11. Please provide all documents relating to FACT's engagement of the services of Michael B. Twomey, including the basis for his compensation and the parties responsible for his compensation.

12. Please provide all documents relating to the history of FACT's involvement in Florida Public Service Commission proceedings and in other types of regulatory proceedings.

13. Please provide copies of newsletters or other informational materials sent to FACT members, including any such materials that address FPL's Determination of Need proceedings or the Determination of Need proceedings of any other Florida utility.

14. Please provide all documents relating to a vote or other approval by the FACT membership of a decision to petition to intervene in FPL's present Determination of Need proceedings.

15. Please provide copies of all correspondence or other communications between (a) FACT and any other party in FPL's Determination of Need proceedings and (b) FACT and the Florida Public Service Commission in connection with FPL's Determination of Need proceedings.

Respectfully submitted this 1st day of August, 2002.

R. Wade Litchfield, Esq.
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Telephone: 561-691-7101

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Attorneys for Florida Power & Light
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Facsimile: 305-577-7001

By: Elizabeth C. Daley
John T. Butler, P.A.
Florida Bar No. 283479
Elizabeth C. Daley
Florida Bar No. 0104507

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

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By: Elizabeth C. Daley
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EXHIBIT 2

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
_____)	
In re: Petition To Determine Need For an Electrical Power Plant in Manatee County by Florida Power & Light Company.)	Docket No. 020263-EI
_____)	Served: August 12, 2002

**FACT'S OBJECTIONS TO FLORIDA POWER & LIGHT
COMPANY'S FIRST SET OF INTERROGATORIES**

The Florida Action Coalition Team ("FACT") hereby submits the following objections to Florida Power & Light Company's ("FPL") First Set of 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 FACT develops its response, FACT reserves the right to supplement or modify its objections up to the time it serves its responses. Should FACT determine that a protective order is necessary regarding any of the requested information, FACT reserves the right to file a motion with the Commission seeking such an order at the time its response is due.

II. General Objections

These consolidated dockets involve the question whether the Commission should approve FPL's petitions for "need determinations" for new generation at its Martin and Manatee plant sites. As the petitioner in these need determination proceedings, FPL alone carries the affirmative burden of demonstrating that its proposed projects will satisfy the statutory need criteria set forth in Section 403.519, Florida Statutes.

FACT is an intervenor in these consolidated dockets. FACT will not support a witness in these consolidated dockets. FACT, consequently, has no affirmative burden to meet in these proceedings. Nonetheless, FPL has now served extensive and unduly burdensome discovery requests on FACT including these 13 interrogatories. FPL's extensive discovery requests are nothing more than a thinly-veiled effort to harass and punish FACT for intervening in these proceedings. FPL is clearly attempting to deflect the focus of these need determinations from the requisite review of FPL's projects to a wholly irrelevant review of FACT. FACT objects to all such discovery requests as irrelevant, immaterial, argumentative, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Additionally, FACT objects to each and every one of the interrogatories 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. FACT in no way intends to waive such privileges or protections.

FACT objects to providing information that is proprietary, confidential business information without provisions in place to protect the confidentiality of the information. FACT 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, FACT 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. FACT in no way intends to waive claims of confidentiality.

FACT 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 FPL through normal procedures.

FACT 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

Interrogatories Nos. 3-12.

FACT objects to each of these interrogatories on the grounds that they each seek information not relevant to this proceeding and not reasonably calculated to lead to evidence admissible in this proceeding. In addition, FACT objects to these interrogatories because they are an attempt to punish and otherwise harass FACT for intervening in these proceedings.

Lastly, FACT objects to these interrogatories to the extent they request information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other applicable privilege or protection afforded by law.

Respectfully submitted this 12th day of August, 2002.

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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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**FACT'S OBJECTIONS TO FLORIDA POWER & LIGHT
COMPANY'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

The Florida Action Coalition Team ("FACT") hereby submits the following objections to Florida Power & Light Company ("FPL") First Request for Production of Documents ("FPL'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 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 FACT develops its response, FACT reserves the right to supplement or modify its objections up to the time it serves its responses. Should FACT determine that a protective order is necessary regarding any of the requested information, FACT reserves the right to file a motion with the Commission seeking such an order at the time its response is due.

II. General Objections

These consolidated dockets involve the question whether the Commission should approve FPL's petitions for "need determinations" for new generation at its Martin and Manatee plant sites. As the petitioner in these need determination proceedings, FPL alone carries the affirmative burden of demonstrating that its proposed projects will satisfy the statutory need criteria set forth in Section 403.519, Florida Statutes.

FACT is an intervenor in these consolidated dockets. FACT will not support a witness in these consolidated dockets. FACT, consequently, has no affirmative burden to meet in these proceedings. Nonetheless, FPL has now served extensive and unduly burdensome discovery requests on FACT including these 15 requests to produce documents. FPL's extensive discovery requests are nothing more than a thinly-veiled effort to harass and punish FACT for intervening in these proceedings. FPL is clearly attempting to deflect the focus of these need determinations from the requisite review of FPL's projects to a wholly irrelevant review of FACT. FACT objects to all such discovery requests as irrelevant, immaterial, argumentative, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Additionally, FACT 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. FACT in no way intends to waive such privileges or protections.

FACT objects to providing information that is proprietary, confidential business information without provisions in place to protect the confidentiality of the information. FACT 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, FACT 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. FACT in no way intends to waive claims of confidentiality.

FACT objects to FPL'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 FACT's obligation under the law.

FACT 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 FPL through normal procedures.

FACT 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

Requests for Production Nos. 1- 15.

FACT objects to each of these requests to produce on the grounds that they each seek information not relevant to this proceeding and not reasonably calculated to lead to evidence admissible in this proceeding. In addition, FACT objects to these requests to produce because they are an attempt to punish and otherwise harass FACT for intervening in these proceedings.

Lastly, FACT objects to these requests to produce to the extent they request documents protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other applicable privilege or protection afforded by law.

Respectfully submitted this 12th day of August, 2002.

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