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September 9, 2002

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
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Re: Docket Nos.: 020262-EI and 020263-EI

Dear Ms. Bayo:

On behalf of Florida Partnership for Affordable Competitive Energy, enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Florida Partnership for Affordable Competitive Energy's Objections to Florida Power & Light Company's First Requests for Production of Documents (Nos. 1-35) 09564-02
- ▶ Florida Partnership for Affordable Competitive Energy's Objections to Florida Power & Light Company's First Set of Interrogatories (Nos. 1-30) 09565-02

Please acknowledge receipt of the above on the extra copy and return the stamped copy to me.
Thank you for your assistance.

Sincerely,


Joseph A. McGlothlin

AUS _____
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CTR _____ JAM/mls
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GCL _____
OPC _____
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SEC _____ L
OTH _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power and 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 and Light
Company for a Determination of Need
For a power plant proposed to be located
In Manatee County

Docket No. 020263-EI

Filed: September 9, 2002

**FLORIDA PARTNERSHIP FOR AFFORDABLE COMPETITIVE ENERGY'S
OBJECTIONS TO FLORIDA POWER & LIGHT COMPANY'S
FIRST SET OF INTERROGATORIES (NOS. 1 - 30)**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure, the Florida Partnership for Affordable Competitive Energy ("PACE") Objects to Florida Power & Light Company's ("FPL") First Set of Interrogatories (Nos. 1-30) and states as follows:

General Objections

1. PACE objects to any interrogatory 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 the response is first made to these interrogatories or is later determined to be applicable based on the discovery of documents, investigation or analysis. PACE in no way intends to waive any such privilege or protection.

2. In certain circumstances, PACE may determine upon investigation and analysis that information responsive to certain interrogatories to which objections are not otherwise asserted are confidential and proprietary and should not be produced at all or should be produced only under an appropriate confidentiality agreement and protective order. By agreeing to provide such information in response to such interrogatory, PACE is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective

order. PACE hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

3. PACE objects to these interrogatories and any definitions and instructions that purport to expand PACE's obligations under applicable law. PACE will comply with applicable law.

4. PACE objects to these interrogatories to the extent they are intended to require any expert or consultant retained by PACE in connection with this proceeding to provide a response other than those interrogatories that are expressly permitted to be directed at an expert or consultant as set forth in Florida Rule of Civil Procedure 1.280(b)(4). In addition, Rule 1.340 permits interrogatories to be directed only to parties, and PACE is not obligated to have experts or consultants respond to interrogatories other than those limited interrogatories that are specifically authorized as stated above. However, in the spirit of cooperation, PACE will agree at this point to have its experts or consultants provide responses to this set of interrogatories, but preserves its right to refuse to continue to do so at any point should it so choose. PACE in no way intends to waive this objection.

5. Further, PACE objects to these interrogatories to the extent they purport to require PACE to conduct an analysis or create information not prepared by PACE's experts or consultants in their preparation for this case. PACE will comply with its obligations under the applicable rules of procedure.

6. In addition, PACE reserves its right to count interrogatories and sub-parts (as permitted under the applicable rules of procedure) in determining whether it is obligated to respond to additional interrogatories served by any party.

7. PACE reserves its right pursuant to Rule 1.340(c), Florida Rules of Civil Procedure to produce documents and records for inspection in lieu of an answer. Without waiving any other objection, PACE will produce the documents where they are kept in the ordinary course of business.

8. PACE objects to any interrogatory that requires the production of “all” or “each” responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that “all” or “each” responsive document will be found. Indeed, it may well be impossible to assure compliance with the exercise of reasonable diligence.

9. For each specific objection made below, PACE incorporates by reference all of the foregoing general objections into each of its specific objections as though pleaded therein.

Specific Objections

Interrogatory No. 3

10. Interrogatory No. 3 states:

Please describe PACE’s development, including the year in which same was organized and the names of the founders of the organization.

PACE objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, and without waiving the objection, PACE intends to provide certain basic information about PACE.

Interrogatory No. 5

11. Interrogatory No. 5 states:

Please describe PACE’s membership process, identify who may become a member and how and any membership requirements, both financial and procedural.

PACE objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence. PACE further objects on the grounds the interrogatory is annoying, intrusive, and harassing in nature.

Interrogatory No. 7

12. Interrogatory No. 7 states:

Please list the names and addresses of each PACE officer in office during the past three years, the term of such office, how long each officer has held the relevant

position, and explain how each officer came into office.

PACE objects to this interrogatory as irrelevant and not calculated to lead to the discovery of admissible evidence. PACE further objects on the grounds the interrogatory is annoying, intrusive, and harassing in nature. Notwithstanding these objections, and without waiving the objections, PACE intends to provide certain basic information about PACE's current officers.

Interrogatory No. 8

13. Interrogatory No. 8 states:

Has PACE financially assisted any intervenor, current or former, in these proceedings, at any time during these proceedings? If so, identify the intervenor, current or former, and describe the financial relationship, its history, its current status, and the type and total amount of financial assistance.

PACE objects to this interrogatory as irrelevant, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence.

Interrogatory No. 9

14. Interrogatory No. 9 states:

Please describe PACE's financial condition, including but not limited to, a detailed description of each source of funding for PACE, including (a) general funding and (b) funding for PACE's pending intervention in these proceedings.

PACE objects to this interrogatory as overbroad, irrelevant, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence. Further, PACE objects to this interrogatory to the extent it seeks confidential proprietary business information.

Interrogatory No. 10

15. Interrogatory No. 10 states:

Please list the approximate percentage of PACE's budget that is derived from

each of the funding sources listed in Interrogatory No. 6.

PACE objects to this interrogatory as irrelevant, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence. Further, PACE objects to this interrogatory to the extent it seeks confidential proprietary business information.

Interrogatory No. 11

16. Interrogatory No. 11 states:

Please discuss in detail the history of PACE's involvement in PSC proceedings and other types of regulatory proceedings over the last five years.

PACE objects to this interrogatory as irrelevant, annoying, unduly burdensome, oppressive, harassing and not calculated to lead to the discovery of admissible evidence. Notwithstanding these objections, and without waiving its objections, PACE intends to provide a general answer to this interrogatory.

Interrogatory No. 12

17. Interrogatory No. 12 states:

Please describe any conference, meeting, or communication in which PACE's membership discussed, voted or approved PACE's pending intervention in these proceedings.

PACE objects to this interrogatory as irrelevant, annoying, unduly burdensome, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence. Further, PACE objects to this interrogatory to the extent it seeks information protected by the attorney-client and work product privileges. Notwithstanding these objections, and without waiving them, PACE will describe generally the process by which it determined to intervene in these proceedings.

Interrogatory No. 13

18. Interrogatory No. 13 states:

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

PACE objects to this interrogatory as overbroad and unduly burdensome. Notwithstanding this objection, and without waiving its objection, PACE intends to provide an answer to this interrogatory.

Interrogatory No. 14

19. Interrogatory No. 14 states:

Please describe in detail each and every way that PACE believes that FPL's economic analysis of the Supplemental RFP proposals was flawed or unfair to the bidders, generally as well as specifically to PACE members.

PACE objects to this interrogatory as overbroad and unduly burdensome. Notwithstanding this objection, and without waiving its objection, PACE intends to provide an answer to this interrogatory.

Interrogatory No. 15

20. Interrogatory No. 15 states:

Please explain in detail each and every way that you believe FPL's Supplemental RFP was flawed or unfair to bidders or potential bidders, generally as well as specifically to PACE members.

PACE objects to this interrogatory as overbroad and unduly burdensome. Notwithstanding this objection, and without waiving its objection, PACE intends to provide an answer to this interrogatory.

Interrogatory No. 18

21. Interrogatory No. 18 states:

Please explain and describe in detail any and all risks to FPL and its customers of non-performance by a supplier under a power purchase contract.

PACE objects to this interrogatory as overbroad and unduly burdensome. Notwithstanding this objection, and without waiving its objection, PACE intends to provide an answer to this interrogatory.

Interrogatory No. 19

22. Interrogatory No. 19 states:

Please describe any and all instances in which Kenneth J. Slater has negotiated a power purchase contract.

PACE objects to this interrogatory as overbroad and unduly burdensome. Further, PACE objects to this interrogatory as outside the permissible scope of discovery of an expert witness pursuant to rule 1.280(b)(4), Florida Rules of Civil Procedure. Notwithstanding these objections, and without waiving its objections, PACE intends to provide an answer to this interrogatory.

Interrogatory No. 20

23. Interrogatory No. 20 states:

Please describe any and all instances in which Kenneth J. Slater has managed a power purchase contract.

PACE objects to this interrogatory as overbroad and unduly burdensome. Further, PACE objects to this interrogatory as outside the permissible scope of discovery of an expert witness pursuant to rule 1.280(b)(4), Florida Rules of Civil Procedure. Notwithstanding these objections, and without waiving its objections, PACE intends to provide an answer to this interrogatory.

Interrogatory No. 21

24. Interrogatory No. 21 states:

Please describe any and all instances in which Kenneth J. Slater has participated in a utility's formulation of a capacity RFP.

PACE objects to this interrogatory as overbroad and unduly burdensome. Further, PACE objects to this interrogatory as outside the permissible scope of discovery of an expert witness pursuant to rule 1.280(b)(4), Florida Rules of Civil Procedure. Notwithstanding these objections, and without waiving its objections, PACE intends to provide an answer to this interrogatory.

Interrogatory No. 22

25. Interrogatory No. 22 states:

Please describe any and all instances in which Kenneth J. Slater has participated in a utility's evaluation of proposals submitted in response to a RFP.

PACE objects to this interrogatory as overbroad and unduly burdensome. Further, PACE objects to this interrogatory as outside the permissible scope of discovery of an expert witness pursuant to rule 1.280(b)(4), Florida Rules of Civil Procedure. Notwithstanding these objections, and without waiving its objections, PACE intends to provide an answer to this interrogatory.

Interrogatory No. 23

26. Interrogatory No. 23 states:

Please describe any and all instances in which Kenneth J. Slater has run any computer analysis using the EGEAS model.

PACE objects to this interrogatory as overbroad and unduly burdensome. Further, PACE objects to this interrogatory as outside the permissible scope of discovery of an expert

witness pursuant to rule 1.280(b)(4), Florida Rules of Civil Procedure. Notwithstanding these objections, and without waiving its objections, PACE intends to provide an answer to this interrogatory.

Interrogatory No. 24

27. Interrogatory No. 24 states:

Please explain and describe in detail how Kenneth J. Slater would propose that FPL assess and incorporate into its analyses “construction cost risk,” “operating cost and performance risk,” and “risk of obsolescence” as those terms are used by Mr. Slater in his testimony at page 7.

PACE objects to this interrogatory as overbroad and unduly burdensome. Further, PACE objects to this interrogatory as outside the permissible scope of discovery of an expert witness pursuant to rule 1.280(b)(4), Florida Rules of Civil Procedure. Notwithstanding this objection, and without waiving its objection, PACE intends to provide an answer to this interrogatory.

Interrogatory No. 29

28. Interrogatory No. 29 states:

Please explain and describe in detail any and all risks to FPL and/or its customers of non-performance by a supplier under a power purchase contract.


PACE objects to this interrogatory as overbroad and unduly burdensome. Notwithstanding this objection, and without waiving its objection, PACE intends to provide an answer to this interrogatory.

Interrogatory No. 30

29. Interrogatory No. 30 states:

Please identify and describe all conditions or circumstances that, based on Kenneth J. Slater's experience and knowledge, would or could result in a supplier failing to perform under a purchased power agreement.

PACE objects to this interrogatory as overbroad and unduly burdensome. Further, PACE objects to this interrogatory as outside the permissible scope of discovery of an expert witness pursuant to rule 1.280(b)(4), Florida Rules of Civil Procedure. Notwithstanding this objection, and without waiving its objection, PACE intends to provide an answer to this interrogatory.


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Attorney for the Florida Partnership for
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Florida Partnership for Affordable Competitive Energy's Objections to Florida Power & Light Company's First Set of Interrogatories (Nos. 1-30) on this 9th day of September 2002, served via (*) Hand delivery and U.S. Mail to the following:

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