

September 9, 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 CPV Gulfcoast's (Nos. 28-45) and CPV Cana's (Nos. 56-73) Third Request for Production of Documents; and 09584-02

Florida Power & Light Company's Objections to PACE's First Request for Production of Documents (No. 1). 09585-02

I have also enclosed a disk of the above-referenced filing. If there are any questions regarding this filing, please contact me at 305-552-4027.

Very truly yours,



Robert L. Powell, Jr., Esq.

- AUS _____
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- CTR _____
- ECR _____
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- OTH _____

Enclosures
cc: Counsel for Parties of Record

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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: September 9, 2002

FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS TO AND REQUESTS FOR CLARIFICATION OF CPV GULF COAST, LTD.'S (NOS. 28-45) AND CPV CANA, LTD.'S (NOS. 56-73) THIRD REQUEST FOR PRODUCTION OF DOCUMENTS

Florida Power & Light Company ("FPL") hereby submits the following objections to and requests for clarification of CPV Gulfcoast, Ltd.'s ("CPV Gulfcoast's" or "CPV's") (Nos. 28-45) and CPV Cana, Ltd.'s ("CPV Cana's" or "CPV's") (Nos. 56-73) Third¹ Request for Production of Documents.

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

¹ CPV Gulfcoast and CPV Cana mistakenly called this request for production of documents their fourth, but it is actually CPV Gulfcoast's and CPV Cana's Third Request for Production of Documents and FPL will refer to it as such.

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necessary regarding any of the requested information, FPL reserves the right to file a motion with the Commission seeking such an order.

II. General Objections

FPL objects to each and every one of the requests for documents or information 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's Requests for Production 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 through normal procedures.

FPL notes that the cumulative effect of the many discovery requests in these proceedings make CPV'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 has made numerous requests that seek similar type of information and documents that FPL has previously objected to providing in response to early requests. FPL objects to responding to these discovery requests on the basis that CPV 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'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's definitions of "FPL," "you," "yours," and/or "yourselves" in its Request for Production to the extent they purport to mean FPL's corporate affiliates, including FPL Group, Inc. and FPL Energy. FPL will respond to CPV's Requests for Production only insofar as they relate to FPL alone.

FPL objects to CPV's instruction regarding computer-generated documents to the extent it seeks an electronic copy and a print-out. FPL will provide one or the other.

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 Requests for Clarification – Requests for Production

Request for Production Nos. 28/56, 29/57, 30/58, 37/65, 38/66, and 39/67. FPL has no documents responsive to these requests because FPL has no site-specific contractual arrangements for the major equipment specified in these requests for the Martin and Manatee projects. Nonetheless, even if there were such contractual arrangements, FPL would object to these requests because they would seek the production of confidential proprietary business information in the nature of trade secrets regarding its major equipment. FPL's vendors would 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 providing 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 these requests.

Request for Production Nos. 31/59, 33/61, 34/62, 40/68, 42/70, and 43/71. FPL has no documents responsive to these requests because FPL has no site-specific contractual arrangements for the services specified in these requests for the Martin and Manatee projects. Nonetheless, even if there were such contractual arrangements, FPL would object to these requests because they would seek the production of confidential proprietary business information in the nature of trade secrets regarding its contractual terms for services. The providers of FPL's construction, operation, and maintenance services would require that the terms and conditions of their services be kept confidential. FPL can only secure favorable terms and conditions for these services if the providers of such services are confident that the terms and conditions they are providing 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 services detailed in these requests.


Request for Production Nos. 32/60 and 41/69. FPL objects to these requests because they seek the production of confidential proprietary business information in the nature of trade secrets regarding FPL's contractual terms for engineering services. The providers of FPL's engineering services require that the terms and conditions of their services be kept confidential. FPL can only secure favorable terms and conditions for these services if the providers of such services are confident that the terms and conditions they are providing 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 services detailed in these requests.

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 Request for Clarification of CPV Gulfcoast's (Nos. 28-45) and CPV Cana's (Nos. 56-73) Third Request for Production of Documents (Nos. 18-27) have been furnished electronically (*) and by U.S. Mail this 9th day of September, 2002, to the following:

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