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September 17, 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
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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 Answers to Interrogatories and Production of Documents by Florida Partnership for Affordable Competitive Energy, 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.

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

Very truly yours,

EC Daley
Elizabeth C. Daley

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

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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: September 17, 2002

**FLORIDA POWER & LIGHT COMPANY'S
MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND
PRODUCTION OF DOCUMENTS BY FLORIDA PARTNERSHIP
FOR AFFORDABLE COMPETITIVE ENERGY**

Florida Power & Light Company ("FPL"), pursuant to Rules 28-106.206 and 28-106.303 of the Florida Administrative Code and Florida Rules of Civil Procedure 1.280, 1.340, 1.350 and 1.380, moves to compel Florida Partnership for Affordable Competitive Energy ("PACE") to respond to FPL's First Set of Requests for Production of Documents (Nos. 1-35) ("Requests for Production"), a copy of which is attached as Exhibit A, and to respond to FPL's First Set of Interrogatories (Nos. 1-30) ("Interrogatories"), a copy of which is attached as Exhibit B (collectively "the Discovery"). The grounds for this motion are as follows:

1. On August 29, 2002, FPL served a Request for Production and Interrogatories on PACE. The purpose of the discovery was: 1) to obtain any documents or information that supports or contradicts PACE's associational standing in the present action; 2) to obtain any documents or information that supports or contradicts PACE's positions in the present action; 3) to obtain any documents or information related to PACE's witnesses, if any; and 4) to determine generally the evidence and materials upon which PACE intends to rely on in support of its positions.

2. PACE has responded with numerous objections to FPL's discovery. See Florida Partnership for Affordable Competitive Energy's Objections to Florida Power & Light Company's First Set of Interrogatories (Nos. 1-30), attached as Exhibit C, and Florida Partnership for Affordable Competitive Energy's Objections to Florida Power & Light Company's First Set of Requests for Production of Documents (Nos. 1-35), attached as Exhibit D.

3. Each of PACE's objections should be overruled. FPL's discovery requests are proper under Florida Rules 1.280(b)(1), 1.340 and 1.350. These rules make clear that the concept of relevancy is broader in the discovery context than in the trial context, and therefore, a party may be permitted to discover relevant evidence that would be inadmissible at trial, so long as it may lead to the discovery of admissible evidence. See *Amente v. Newman*, 653 So. 2d 1030, 1032 (Fla. 1995).

4. Information related to PACE's allegations of associational standing is clearly relevant to this proceeding. PACE must prove its allegations of associational standing 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, *7 (Fla. Div. Admin. Hrgs. 1995); see also *GTE Florida, Inc. v. Department of Transportation*, 1990 WL 749417, *11 (Fla. Div. Admin. Hrgs. 1990). FPL requires the discovery sought so that it may evaluate PACE's standing in the present action, and challenge PACE's standing, if necessary. Consequently, FPL is entitled to discovery of documents and information supporting or contradicting PACE's associational standing in the present proceeding.

5. The remaining information sought by FPL is conventionally discoverable in the course of preparing for trial in any type of proceeding. Parties naturally need to know what information supports or contradicts their adversaries' position, background on their adversaries'

witnesses, and what information their adversaries will rely upon at trial. *See generally, Elkins v. Syken*, 672 So.2d 517, 522 (Fla. 1996). FPL is also entitled to documents or information upon which PACE intends to rely in the present action. Each specific objection is addressed below.

Request for Production – Specific Objections

6. Request for Production Number 6 states:

Please provide all documents relevant to whether PACE is financially assisting any intervenor in these proceedings.

7. PACE objected to the request stating that it was “irrelevant, annoying, intrusive, harassing and not calculated to lead to the discovery of admissible evidence.”

8. PACE’s objection should be overruled. Request for Production 6 seeks documents relevant to PACE’s relationship with other intervenors in the present action. Specifically, the documents requested will disclose if any intervenor, such as FACT, is acting on behalf of PACE or PACE’s members. The Prehearing Officer has recently ruled that FPL will be permitted to conduct discovery regarding FACT’s alleged associational standing, and this request pursues that issue as well as PACE’s standing. Such information is also relevant to disclose any bias by PACE, or any intervenor financially supported by PACE.

9. Request for Production numbers 7 and 8 relate to PACE’s general funding, funding for PACE’s intervention in the present proceeding, and the “approximate percentage of funding sources” for PACE. PACE objected, arguing that these requests were irrelevant, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence.

10. PACE’s objections should be overruled. Requests 7 and 8 seek information related to PACE’s funding sources. This information is relevant to PACE’s associational standing in the present action. Specifically, to show associational standing, PACE must prove

that a substantial number of its members will be substantially affected by the outcome of the present action. If PACE's sole sources of funding derive from constituent organizations that otherwise lack standing to intervene, PACE would be unable to prove its associational standing. Therefore, inquiry into PACE's sources of funding is proper.

11. Request for Production Number 12 states:

Please provide all documents relating to a vote, discussion or approval, by PACE Members, of PACE's decision to petition to intervene in these proceedings.

12. PACE objected to the request "to the extent that it seeks materials protected by the attorney-client and work product privileges." PACE did not commit, however, to provide a privilege log as required under Rule 1.280(b)(5). Because PACE did not commit to providing a privilege log or producing any documents, FPL cannot be assured PACE will provide a copy of a privilege log in a timely fashion.

13. In response to this objection, FPL requests that PACE provide it with a privilege log as required under Florida Rule 1.280(b)(5) so that FPL may determine whether the privilege asserted is applicable. In the event that PACE does not provide a privilege log, FPL will bring a subsequent motion to compel production.¹

Requests for Production - Kenneth J. Slater's Testimony

14. Requests for production 15 through 29 request information concerning Kenneth J. Slater's opinions regarding the issues raised in the present case and evidence or other information supporting Kenneth Slater's testimony filed in the present action.

¹ PACE has asserted similar attorney-client and work product objections to Requests 13 and 35. In response to these objections, FPL again requests that PACE provide a privilege log as discussed above. FPL further reserves the right to bring further action, if necessary, to obtain non-privileged documents.

15. Specifically, in requests 15-17, FPL requests all production cost models, all computer models, and all databases and inputs used in developing Kenneth J. Slater's testimony.

16. In request 18, FPL requests "all workpapers, input data and assumptions used to develop the 'expected energy not served' analysis discussed by Kenneth J. Slater. . . ."

17. In Requests 20-21 and 29, FPL requested all documents supporting Kenneth Slater's testimony, as well as "all documents used, consulted or developed in preparation of Kenneth Slater's exhibit," and "all documents used by or relied upon by Kenneth J. Slater in preparation of his testimony."

18. PACE objected to these requests to the extent that the requests require production of confidential or proprietary business information.

19. These objections should be overruled. PACE and FPL have entered into a confidentiality agreement that protects any of PACE's confidential documents or programs. Further, the information sought is generally related to Kenneth Slater's testimony in the present action. The information underlying his opinions is clearly discoverable, confidentiality notwithstanding. Finally, FPL has produced similar confidential information to PACE, including proprietary computer programs. Allowing PACE to avoid production of similar confidential information would be manifestly inequitable.

Interrogatories – Specific Objections

20. In response to FPL's Interrogatories, PACE has asserted various objections. These objections should be overruled because each of the interrogatories properly relates to PACE's standing in the present action.

21. Interrogatory 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.

22. PACE objected, arguing that the interrogatory was “irrelevant, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence.”

23. Interrogatory 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.

24. PACE objected, stating that the interrogatory was “overbroad, irrelevant, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence.” PACE further objected to the interrogatory “to the extent it seeks confidential proprietary business information.”

25. Interrogatory 10 states:

Please list the approximate percentage of PACE’s budget that is derived from each of the funding sources listed in Interrogatory 6.

26. PACE objected to this interrogatory stating that it was “irrelevant, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence.” PACE further objected to the interrogatory “to the extent it seeks confidential proprietary business information.”

27. PACE’s objections should be overruled. The information sought in the above interrogatories is relevant to PACE’s associational standing in the present action. As previously stated, PACE’s standing must be proved. It is based on the premise that a substantial number of its members are substantially affected by the present case. If PACE’s funding is derived wholly from organizations without a substantial interest in the present action, its associational standing

must fail. PACE's objection to providing "confidential information" should be overruled as well. As previously stated, PACE and FPL have entered into a confidentiality agreement that protects PACE's confidential information. As such, PACE's objections should be overruled.

Conclusion

There is no reasonable basis for PACE's objections to FPL's discovery requests and interrogatories. Accordingly, FPL seeks an order compelling PACE to produce the documents requested in FPL's Request for Production and an order compelling PACE to answer FPL's Interrogatories. Time is of the utmost concern in the present proceeding. Therefore, FPL requests expedited treatment of this Motion to Compel. Finally, FPL reserves the right to supplement this motion pending PACE's production of a privilege log and pending PACE's discovery responses due to be filed September 18, 2002.

Certificate of Counsel

Counsel for FPL (through Gregory C. Ward) certifies that it has consulted with Counsel for PACE in an attempt to resolve the issues raised in this Motion, but that counsel were unable to agree.

Respectfully submitted,

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

I HEREBY CERTIFY, that on this 17th day of September, 2002, a copy of Florida Power & Light Company's Motion To Compel Answers to Interrogatories And Production of Documents by Florida Partnership for Affordable Competitive Energy was served by hand delivery (*) or electronically (**) and United States Mail to the following:

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By: EC Daley
Elizabeth C. Daley

EXHIBIT A

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)
_____)
Filed: August 29, 2002

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 29, 2002

**FLORIDA POWER & LIGHT COMPANY'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
TO THE FLORIDA PARTNERSHIP FOR
AFFORDABLE COMPETITIVE ENERGY (NOS. 1-35)**

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 Florida Partnership for Affordable Competitive Energy ("PACE"), and requests that responsive documents be produced within twenty (20) days, pursuant to the timeframes provided for in these proceedings.

DEFINITIONS

1. "You," "yours" and/or "yourselves" means PACE and any attorney, employee, agent, representative or other person acting or purporting to act on the behalf of PACE, 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. “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.

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

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

8. “All” means all or any.

9. 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

10. 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.

11. 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.

12. 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.

13. 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 the Public Service Commission (the “PSC” 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.

14. 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.

15. 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 PACE.
2. Please provide a list of the exact current membership of PACE.
3. Please provide a list of PACE members who are currently parties in these proceedings.
4. Please provide a list of PACE members who are no longer intervenors in these proceedings.
5. Please provide a list of those PACE members who participated as bidders in FPL's Supplemental RFP.
6. Please provide all documents relevant to whether PACE is financially assisting any intervenor in these proceedings.
7. Please provide all documents related to the following sources of funding for PACE: (a) general funding and (b) funding for PACE's intervention in these proceedings.
8. Please provide all documents showing the approximate percentage of PACE's budget that is contributed by each of PACE's funding sources.
9. Please provide all documents relating to PACE's engagement of Kenneth J. Slater, including but not limited to, the basis for his compensation and the members, parties and/or entities responsible for his compensation.
10. Please provide all documents relating to the history of PACE's involvement in the PSC's proceedings and in other types of regulatory proceedings.

11. Please provide copies of newsletters or other information materials sent to PACE members, including any such materials that address these proceedings or the determination of need proceedings of any other Florida utility.

12. Please provide all documents relating to a vote, discussion or approval, by PACE Members, of PACE's decision to petition to intervene in these proceedings.

13. Please provide all documents relating to all communications between (a) PACE and any other party or former party of these proceedings, (b) PACE and the PSC in connection with these proceedings and (c) PACE and any of its members regarding these proceedings.

14. Please provide a list of the officers of PACE and all documents relating to the selection process for those officers for the last three years.

15. Please provide all production cost models used in developing Kenneth J. Slater's testimony.

16. Please provide all computer models used in developing Kenneth J. Slater's testimony.

17. Please provide all databases and inputs used in developing Kenneth J. Slater's testimony.

18. Please provide all workpapers, input data and assumptions used to develop the "expected energy not served" analysis discussed by Kenneth J. Slater at pages 11-13 of his testimony.

19. Please provide all analyses performed by Kenneth J. Slater regarding FPL's capacity solicitations in these proceedings.

20. Please provide all documents supporting Kenneth J. Slater's testimony.

21. Please provide all documents used, consulted or developed in preparation of Kenneth J. Slater's exhibit (KJS-3).
22. Please provide all documents Kenneth J. Slater believes support his belief that FPL's self-build options are not the most cost-effective alternatives to meet FPL's 2005 and 2006 capacity needs.
23. Please provide all documents Kenneth J. Slater believes are evidence that "FPL skewed the comparison of alternatives in favor of its self-build options"
24. Please provide any and all reports, analyses, articles, or other documents produced by, or on behalf of, Kenneth J. Slater at any time during his career, on the subject of the imputation by debt rating agencies of purchased power obligations as debt equivalent on a utility's balance sheet.
25. Please produce any article published or submitted for publication by Kenneth J. Slater on the subject of corporate or project finance, utility capital structure, cost of capital, or any other related subject.
26. Please provide any document relevant to Kenneth J. Slater's expertise and qualifications to speak regarding the subject of corporate or project finance, utility capital structure, cost of capital, or any other related subject.
27. Please provide all documents Kenneth J. Slater believes support his belief that "FPL has a relatively small portion of resources in the form of power purchase contracts." including, but not limited to, any document related to Mr. Slater's analyses of FPL's resource mix.
28. Please provide all documents identified, referenced, or relied upon by Kenneth J. Slater to formulate his analysis on the impact of the equity penalty.

29. Please provide all documents used by or relied upon by Kenneth J. Slater in preparation of his testimony.

30. Please provide the resumes and qualifications of any witness PACE plans on calling to testify in these proceedings.

31. Please provide all documents reviewed or utilized by each of PACE's witnesses in preparation of his or her testimony.

32. Please provide all documents supporting the testimony of each of PACE's witnesses in these proceedings.

33. Please provide, if not otherwise included in your witness' testimony and exhibits, any reports relating to the subject matter of these proceedings prepared by any expert witnesses you anticipate calling to testify at hearing in this proceeding.

34. For each Witness you identified in your answers to FPL's First Set of Interrogatories to PACE:

a. Please provide all direct, rebuttal and/or sur-rebuttal testimony filed with any Public Utility Commission or Public Service Commission, or the Federal Energy Regulatory Commission in the last five years relating to the same and/or similar topic on which the witness is filing testimony in this proceeding.

b. Please produce all articles published or submitted for publication by the witness in the last five years on the same topic and/or topic similar to the one that the witness is filing testimony on in this proceeding.

35. Please provide all documents identified, referenced or relied upon in answering each interrogatory included in FPL's First Set of Interrogatories to PACE.

Respectfully submitted this 29 day of August, 2002.

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By:



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

I HEREBY CERTIFY, that on this 29 day of August, 2002, a copy of Florida Power & Light Company's First Request for Production of Documents to the Florida Partnership for Affordable Competitive Energy was served electronically (*) and by United States Mail to the following:

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By: 
Monica Ferradaz, Esq.

EXHIBIT B

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)
_____)
Filed: August 29, 2002

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 29, 2002

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

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure, Florida Power & Light Company ("FPL") hereby propounds the following interrogatories on the Florida Partnership for Affordable Competitive Energy ("PACE") 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 PACE and any attorney, employee, agent, representative or other person acting or purporting to act on the behalf of PACE, 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. “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.

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

7. "Relate to" shall mean contain, discuss, describe or address.

8. "All" means all or any.

INSTRUCTIONS

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.”

14. 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.

15. 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 Public Service Commission (the “PSC” or “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' qualifications, a detailed summary of the witness' expected testimony, and a listing (name, docket number, jurisdiction, date) of all prior proceedings in which the witness has testified.

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

4. Please provide a list of PACE's current membership, including, but not limited to, the names and addresses of all current members.

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

6. Please provide a list identifying any PACE member who is currently a party of these proceedings, a list identifying any PACE member who is no longer an intervenor of these proceedings, and a list identifying all PACE members who participated as bidders in FPL's Supplemental RFP.

7. 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.

8. 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.

9. 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.

10. Please list the approximate percentage of PACE's budget that is derived from each of the funding sources listed in Interrogatory No. 6.

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

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

13. 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.

14. 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.

15. 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.

16. Please explain how and when PACE engaged the services of Kenneth J. Slater, including but not limited to, the basis for his compensation and the members, persons and/or entities responsible for compensating him.

17. Is Kenneth J. Slater's testimony offered as expert testimony on the subject of corporate or project finance, utility capital structure, cost of capital, or other related subject? If so, identify and describe in detail any and all relevant qualifications and expertise possessed by Mr. Slater.

18. 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.

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

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

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

22. 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.

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

24. 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.

25. Please explain in detail how, in Kenneth J. Slater's view, the PSC would be "placating" debt rating agencies if it were to accept as appropriate in FPL's analyses the equity adjustment.

26. With reference to Kenneth J. Slater's testimony at page 7, explain and describe in detail how Mr. Slater would suggest the Commission "approach the risk issue in terms of the desirability of an overall balance to the mixture of resources with which FPL serves its ratepayers." Specifically, explain the analysis that the Commission would perform to this end.

27. With reference to his testimony at page 7, does Kenneth J. Slater have a recommended ratio of purchased power relative to total resource options that he recommends for FPL? If not, why not? If so, identify and describe in detail any and all bases for his recommendation?

28. With reference to his testimony at pages 7-8, identify and describe in detail any and all sources used by Kenneth J. Slater in reaching his conclusion that “FPL has a relatively small portion of resources in the form of power purchase contracts.” In your response, specify the utilities that Mr. Slater used for purposes of any comparison against FPL’s resource mix.

29. 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.

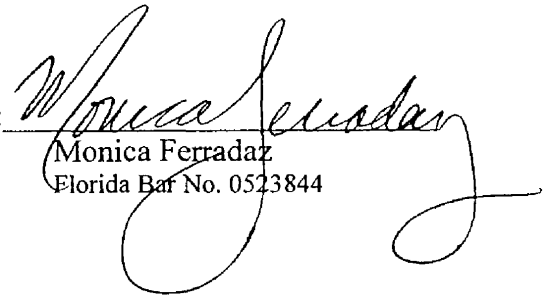
30. Please identify and describe all conditions or circumstances that, based on Kenneth J. Slater's experience and knowledge, would or could result in a supplier failing to perform under a purchased power agreement.

Respectfully submitted this 29 day of August, 2002.

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By:



Monica Ferradaz
Florida Bar No. 0523844

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

I HEREBY CERTIFY, that on this 29 day of August, 2002, a copy of Florida Power & Light Company's First Set of Interrogatories to the Florida Partnership for Affordable Competitive Energy was served electronically (*) and by United States Mail to the following:

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EXHIBIT C

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

SEP - 9 2002
Via Fax delivery
STEEL HECTOR & DAVIS

RECEIVED

**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.

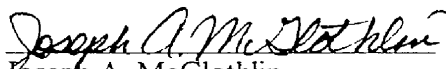
PACE objects to this interrogatory as overbroad and unduly burdensome. Notwithstanding this objection, and without waiving its objection, PACE intends to provide an answer to this interrogatory.

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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Davidson, Decker, Kaufman & Arnold, P.A.
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Attorney for the Florida Partnership for
Affordable Competitive Energy

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:

(*)Martha Brown
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2540 Shumard Oak Boulevard
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Tallahassee, FL 32301
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EXHIBIT D

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

RECEIVED
SEP - 9 2002
J. Paul Bellamy
STEELHECTOR & DAVIS

**FLORIDA PARTNERSHIP FOR AFFORDABLE COMPETITIVE ENERGY'S
OBJECTIONS TO FLORIDA POWER & LIGHT COMPANY'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 1 - 35)**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Florida Partnership for Affordable Competitive Energy ("PACE") Objects to Florida Power & Light Company's ("FPL") First Set of Requests for Production of Documents and states as follows:

General Objections

1. PACE objects to any request that calls for the production of documents 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 requests 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 documents that respond to certain requests to which objections are not otherwise asserted are confidential and proprietary and should not be produced or should be produced only under an appropriate confidentiality agreement and protective order. By agreeing to produce documents in response to this request, 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 definitions and instructions to the extent they purport to require PACE to provide documents or other information on diskette. PACE will entertain specific request to product electronic copies of documents that so exist in the normal course of business in a format designed to preserve the integrity of these documents.

4. PACE objects to these requests to the extent they purport to require PACE to prepare information or documents or perform calculations that PACE has not prepared or performed in the normal course of business as an attempt to expand PACE's obligations under applicable law. PACE will comply with applicable law.

5. PACE further objects to these requests and any definitions or instructions that purport to expand PACE's obligations under applicable law. PACE will comply with applicable law.

6. PACE objects to any request 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.

7. PACE incorporates by reference all of the foregoing general objections into each of its specific objections set forth below as though pleaded therein.

Specific Objections

Request for Production Nos. 2, 3, 4 and 5

8. Request for Production No 2 states:

Please provide a list of the exact current membership of PACE

Request for Production No. 3 states:

Please provide a list of PACE members who are currently parties in these

proceedings

Request for Production No. 4 states.

Please provide a list of PACE members who are no longer intervenors in these proceedings

Request for Production No 5 states:

Please provide a list of those PACE members who participated as bidders in FPL's Supplemental RFP

PACE objects to these requests in that they ask PACE to prepare and provide several lists. PACE objects to these requests in that they are phrased in interrogatory form, and therefore it is inappropriate to file them as requests for production. PACE further objects that this request is repetitive and duplicative as the same information sought by these requests is sought in FPL's First Set of Interrogatories.

Request for Production No. 6

9. Request for Production No. 6 states:

Please provide all documents relevant to whether PACE is financially assisting any intervenor in these proceedings

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

Request for Production No. 7

10. Request for Production No. 7 states:

Please provide all documents related to the following sources of funding for PACE. (a) general funding and (b) funding for PACE's intervention in these proceedings.

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

Request for Production No. 8

11. Request for Production No 8 states:

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

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

Request for Production No. 10

12. Request for Production No. 10 states:

Please provide all documents relating to the history of PACE's involvement in the PSC's proceedings and in other types of regulatory proceedings.

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

Request for Production No. 11

13. Request for Production No. 11 states:

Please provide copies of newsletters or other information materials sent to PACE members, including any such materials that address these proceedings or the determination of need proceedings of any other Florida utility.

PACE objects to this request as irrelevant, overbroad, unduly burdensome, annoying, intrusive, harassing and not calculated to lead to the discovery of admissible evidence.

Further, PACE objects to this request to the extent it seeks materials protected by the attorney-client and work product privileges

Request for Production No. 12

14. Request for Production No 12 states:

Please provide all documents relating to a vote, discussion or approval, by PACE Members, of PACE's decision to petition to intervene in these proceedings.

PACE objects to this request to the extent it seeks materials protected by the attorney-client and work product privileges

Request for Production No. 13

15. Request for Production No. 13 states:

Please provide all documents relating to all communications between (a) PACE and any other party or former party of these proceedings, (b) PACE and the PSC in connection with these proceedings and (c) PACE and any of its members regarding these proceedings.

PACE objects to this request as irrelevant, overbroad, unduly burdensome, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence. Further, PACE objects to this request to the extent it seeks materials protected by the attorney-client and work product privileges.

Request for Production No. 14

16. Request for Production No. 14 states:

Please provide a list of the officers of PACE and all documents relating to the selection process for those officers for the last three years.

PACE objects to this request as irrelevant, overbroad, unduly burdensome, annoying, oppressive, intrusive, harassing and not calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, and without waiving the objection, PACE will provide a list in response to Interrogatory No. 7.

Request for Production No. 15

17. Request for Production No. 15 states:

Please provide all production cost models used in developing Kenneth J. Slater's testimony.

PACE objects to this request to the extent it requires the production of any confidential or proprietary information associated with proprietary cost models.

Request for Production No. 16

18. Request for Production No. 16 states:

Please provide all computer models used in developing Kenneth J. Slater's testimony.

PACE objects to this request to the extent it requires the production of any proprietary information associated with the computer models.

Request for Production No. 17

19. Request for Production No. 17 states:

Please provide all databases and inputs used in developing Kenneth J. Slater's testimony.

PACE objects to this request to the extent it requires the production of any confidential information or proprietary databases.

Request for Production No. 18

20. Request for Production No. 18 states:

Please provide all workpapers, input data and assumptions used to develop the "expected energy not served" analysis discussed by Kenneth J. Slater at pages 11-13 of his testimony.

PACE objects to this request to the extent it requires the production of any confidential information or proprietary cost models, computer models, or databases.

Request for Production No. 20

21. Request for Production No. 20 states:

Please provide all documents supporting Kenneth J. Slater's testimony.

PACE objects to this request to the extent it requires the production of any confidential information or proprietary cost models, computer models, or databases.

Request for Production No. 21

22. Request for Production No. 21 states:

Please provide all documents used, consulted or developed in preparation of Kenneth J. Slater's exhibit (KJS-3).

PACE objects to this request to the extent it requires the production of any confidential information or proprietary cost models, computer models, or databases.

Request for Production No. 29

23. Request for Production No. 29 states:

Please provide all documents used by or relied upon by Kenneth J. Slater in preparation of his testimony.

PACE objects to this request to the extent it requires the production of any confidential information or proprietary cost models, computer models, or databases.

Request for Production No. 31

24. Request for Production No. 31 states:

Please provide all documents reviewed or utilized by each of PACE's witnesses in preparation of his or her testimony.

PACE objects to this request as duplicative and redundant. PACE also objects to the extent this request seeks documents protected by the attorney work product privilege or requires the production of any confidential information or proprietary cost models, computer models, or databases.

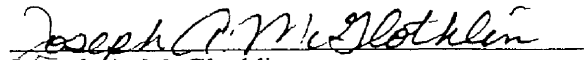
Request for Production No. 35

25. Request for Production No. 35 states:

Please provide all documents identified, referenced or relied upon in answering each interrogatory included in FPL's First Set of Interrogatories to PACE

PACE incorporates all objections made to FPL's First Set of Interrogatories. Further, PACE objects to this request to the extent it seeks proprietary information or materials

protected by the attorney-client and work product privileges


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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 Requests for Production of Documents (Nos 1-35) was on this 9th day of September 2002, served via (*) Hand delivery and U.S. Mail to the following:

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