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August 18, 2003

Ms. Blanca S. Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

VIA HAND DELIVERY

RECEIVED - FPSC
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COMMISSION CLERK

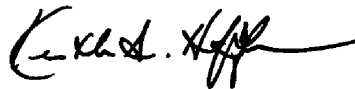
Re: Docket No. 030001-EI

Dear Ms. Bayo:

Enclosed herewith for filing on behalf of Florida Power & Light Company ("FPL") are an original and fifteen copies of FPL's Amended Objections to Office of Public Counsel's First Set of Requests for Production of Documents (Nos. 1-4).

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me. Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost)
recovery clause with generating)
performance incentive factor.)
_____)

Docket No. 030001-EI

Filed: August 18, 2003

**FLORIDA POWER & LIGHT COMPANY'S AMENDED
OBJECTIONS TO OFFICE OF PUBLIC COUNSEL'S
FIRST SET OF REQUESTS FOR PRODUCTION
OF DOCUMENTS (NOS. 1-4)**

Florida Power & Light Company ("FPL") hereby submits the following amended objections to the Office of Public Counsel's ("OPC") First Set of Requests for Production of Documents (Nos.

1-4). **I. Preliminary Nature of These Objections**

The objections stated herein are preliminary in nature. By this filing, FPL is amending its objections filed August 18, 2003 to clarify its objection to producing any documents that fall within the scope of any and all of the three confidentiality agreements entered into by and between FPL and Southeastern Utility Services, Inc. ("SUSI"). 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 necessary regarding any of the requested information, FPL reserves the right to file a motion with the Commission seeking such an order at the time its response is due.

II. General Objections

1. FPL objects to each and every one of the requests for documents that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time response is first made or is later

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determined to be applicable for any reason. FPL in no way intends to waive such privilege or protection.

2. FPL objects to each and every one of the requests for documents that requests documents which are the subject of any or all Agreements Regarding Confidentiality of Settlement Communications with Southeastern Utility Services, Inc. and precluded from disclosure to OPC or any other non-party to said Confidentiality Agreements.

3. 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 in every case to determine whether the discovery requests call for the disclosure of confidential information. However, if it so determines, it 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.

4. 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.

5. FPL objects to each Request to the extent that it seeks information that is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

6. FPL objects to the Instructions and to each Request to the extent that it purports to impose upon FPL obligations that FPL does not have under the law or applicable rules of procedure.

7. FPL objects to the request that responsive documents be produced at the offices of the OPC in Tallahassee, Florida. FPL reserves the right to produce the documents at a reasonable time, place, and manner such as at FPL's General Office in Miami, Florida.

8. FPL objects to the Requests to the extent that they require FPL to create documents not already in existence.

9. FPL objects to each request for production to the extent it seeks to impose an obligation on FPL to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. The jurisdiction of the Commission concerning the parent and affiliates of a utility is limited. See §§366.05(9) and 366.093(1), Fla. Stat. (2002). Moreover, the scope of discovery from a party is limited to documents within the possession, custody or control of that party. See, e.g., Southern Bell Telephone and Telegraph Co. v. Deason, 632 So.2d 1377 (Fla. 1994).

10. FPL objects to each and every request for production to the extent it is vague, ambiguous, overly broad, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests. Any answers provided by FPL in response to OPC's requests for production will be provided subject to, and

without waiver of, the foregoing objection.

11. FPL objects to providing information to the extent such information is already in the public record before the Commission.

12. FPL objects to each request for production to the extent that the information requested constitutes proprietary confidential business information under Section 366.093(3), Florida Statutes, and/or under rules promulgated by or orders issued by the Federal Energy Regulatory Commission. FPL will make such information available to OPC at a mutually agreeable time and place pursuant to a temporary protective order sought by FPL and granted by the Prehearing Officer or the Commission.

13. FPL objects to the requests for production to the extent they seek to impose obligations on FPL that exceed the requirements of Order No. PSC-03-0113-PCO-EI (Order Establishing Procedure), the Florida Rules of Civil Procedure or Florida law.

III. Specific Objections

A. Request for Production of Documents

Document Request No. 1:

Please provide all documents in your possession, custody or control discussing or estimating the amount of overbilling or underbilling for any or all of your customers, or any or all of your customer classes, that is related to your thermal demand meters.

Objection: FPL objects to the production of certain documents that fall within the scope of OPC Request No. 1 on the grounds that such documents: (1) are privileged and protected from disclosure under the attorney-client privilege and/or the work product doctrine; and/or (2) are subject to any or all of the three Agreements Regarding Confidentiality of Settlement Communications

between FPL and SUSI.¹ Pursuant to Rule 1.280(b)(5), Florida Rules of Civil Procedure, and per agreement with counsel for OPC, a catalogue and description of such documents will be served on OPC, by hand delivery, on August 22, 2003.

Document Request No. 2:

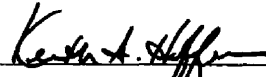
Please provide all documents in your possession, custody or control calculating, estimating, or discussing the effect on your fuel and purchased power cost recovery clause charge, or other rates or charges, from overbilling or underbilling caused by your thermal demand meters.

Objection: FPL objects to the production of certain documents that fall within the scope of OPC Request No. 2 on the grounds that such documents: (1) are privileged and protected from disclosure under the attorney-client privilege and/or the work product doctrine; and/or (2) are subject to any or all of the three Agreements Regarding Confidentiality of Settlement Communications between FPL and SUSI.² Pursuant to Rule 1.280(b)(5), Florida Rules of Civil Procedure, and per agreement with counsel for OPC, a catalogue and description of such documents will be served on OPC, by hand delivery, on August 22, 2003.

¹FPL and SUSI have entered into three such agreements arising from thermal demand meter overbilling claims raised by SUSI on behalf of Commercial Refrigerator Door Company, Inc., Lowes Home Centers, Inc., and other FPL customers represented by SUSI who received electric service metered by one or more 1V thermal demand meters.

²Id.

Respectfully submitted,



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- - and - -

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Attorneys for Florida Power & Light Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy true and correct copy of Florida Power & Light Company's Amended Objections Office of Public Counsel's First Set of Requests for Production of Documents (Nos. 1-4) has been furnished by Hand Delivery (*--U.S. Mail) this 18th day of August, 2003, to the following:

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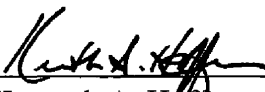
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By: 
Kenneth A. Hoffman, Esq.

FPL\amendedcostobjections