

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaints by Southeastern Utility Services, Inc., on behalf of various customers, against Florida Power & Light Company concerning thermal demand meter error. DOCKET NO. 030623-EI
Filed January 8, 2004

**SOUTHEASTERN UTILITY SERVICES, INC.,
AND OCEAN PROPERTIES, LTD.,
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
TO FLORIDA POWER & LIGHT COMPANY**

Pursuant to Rule 28-106.206, F.A.C., and Rule 1.350, Fla.R.Civ.P., SOUTHEASTERN UTILITY SERVICES, INC. and OCEAN PROPERTIES, LTD., hereby serve the following Request for Production of Documents upon Florida Power & Light Company, and request that responsive documents be produced within 30 days, pursuant to the time frames provided for in the Florida Rules of Civil Procedure.

DEFINITIONS

1. "You" and "yours" and/or "yourselves" means FPL, its corporate affiliates and any attorney, employee, agent, representative or other person acting or purporting to act on your behalf, 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, Fla.R.Civ.P. 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

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FPSC-COMMISSION CLERK

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 or any other medium in which information is stored.

4. "FPL" means Florida Power & Light Company, its attorneys, employees, officers, directors, agents, representatives, affiliated corporate entities and persons acting on behalf of these entities.

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

6. "All" means all or any.

7. 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".

8. "Landis and Gyr" shall mean the corporate entity which sold or otherwise provided you the 1-V thermal demand meters that are the subject of this docket, including any corporate affiliates, successors, or predecessors of Landis and Gyr that supplied you with thermal demand meters.

INSTRUCTIONS

9. **Scope of Production.** In responding to this request to produce, produce all responsive documents.

10. **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.

11. **Limited Response.** 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.

12. **Privileged Information or Documents.** In the event you wish to assert attorney/client privilege or the work product doctrine, or both, or any other claim of privilege, then as to such documents allegedly subject to such asserted privileges, you are requested to supply an identification of such documents, in writing, with sufficient specificity to permit the Prehearing Officer or Commission to reach a determination in the event of a motion to compel as to the applicability of the asserted objection, together with an indication of the basis for the assertion of the claim of attorney/client privilege or the work product doctrine, or any other claim of privilege. The identification called for by this instruction shall include the nature of the document (e.g., interoffice memoranda, correspondence, report, etc.), the sender or author, the recipient of each copy, the date, the name of each person to whom the original or any copy was circulated, the names appearing on any circulation list associated with such document, and a summary statement of the subject matter of the document in sufficient detail to permit the Court to reach a determination in the event of a motion to compel.

13. **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.

14. **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. All documents exchanged between you and Landis and Gyr related to thermal demand meters.

2. All documents you rely upon when providing instruction as to how to calibrate thermal demand meters.

3. All documents you provide or provided to those responsible for calibrating thermal demand meters which set forth instructions, guidelines or other directions as to how thermal demand meters should be calibrated.

4. All documents which refer or relate to customer complaints about thermal demand meters.

5. All documents which refer or relate to the accuracy of thermal demand meters.

6. All documents which refer or relate to possible effects that the sun can have on thermal demand meters.

7. All documents which refer or relate to the possible effects that temperature can have on thermal demand meters.

8. All documents reflecting settlements that you have entered into with customers whose thermal demand meters were in error in that the customers were charged more than they should have been charged.

9. All documents reflecting the test results of the 1-V thermal demand meters that were tested for accuracy since May, 2002.

10. All correspondence between you and any customer which refer to or relate to the accuracy of thermal demand meters.

11. All Requests for Proposals or similar solicitations that you have issued within the last 12 months related to replacement of thermal demand meters.

12. The personnel file of former FPL employee George C. Brown.

13. The personnel file of former FPL employee William A. "Bill" Gilmore.

14. Documents that refer or relate to any FPL policy or practice of issuing refunds to customers whose thermal demand meters read in error.

15. Documents provided to the FPL Board of Directors about thermal demand meters within the past two years.

16. Documents that refer or relate to reflecting any studies and/or tests performed by you, commissioned by you, or performed by others related to the accuracy of thermal demand meters.

17. Documents exchanged between you and the Florida Public Service Commission related to thermal demand meters.

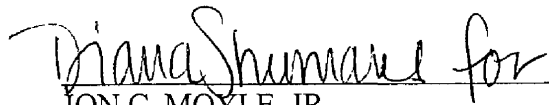
18. Documents, excluding the personnel file, that relate to George C. Brown.

19. Documents, excluding the personnel file, that relate to William A. "Bill" Gilmore.

20. Documents which project, estimate or forecast the amount of money you collected in error as a result of thermal demand meters registering demand greater than existed.

21. Documents which project, estimate or forecast the amount of money you did not collect in error as a result of thermal demand meters registering demand less than existed.

22. Documents which reflect your plans to replace thermal demand meters.
23. Documents which reflect your plans to continue using thermal demand meters.
24. Documents related to procedures you use when meter tests or change-outs are being witnessed by customers, customer representatives and/or FPSC representatives.
25. Documents relating to procedures you use when customers or customer representatives on site at the Meter Test Center.
26. Documents related to how you test thermal demand meters for accuracy, including the percent of scale at which the meters are tested.
27. The deponents shall bring to this deposition copies of documents related to the meters as set forth in Exhibit A.



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Attorneys for Southeastern Utilities Services, Inc. and
Ocean Properties, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to those listed below with an asterisk and the remainder by U.S. Mail without an asterisk this day the 9th day of January, 2004.

Cochran Keating, Esquire
Florida Public Service Commission
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Tallahassee, Florida 32399-0850

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Tallahassee, Florida 32301-1859

R. Wade Litchfield, Esquire
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 22408-0420


Jon C. Moyle, Jr.

Customer Name	City	Account Number	Old Meter Number
BEST BUY#551 12395 Sunrise Blvd	SUNRISE	97114-18237	1V55381
BEST BUY #550 1880 Palm Bch Lakes	WEST PALM BEACH	63169-50366	1V50842
BEST BUY #554 20540 S R 7	BOCA RATON	30591-38093	1V53825
J C PENNEY #2132 2076 9 ST N.	NAPLES	90964-37216	1V 52475
J C PENNEY #1514 DESOTA SQ MALL	BRADENTON	07064-37886	1V7179D
Dillard 9001 W Atlantic Blv, DILLARD'S TAMIAMI TRAIL	Coral Springs PORT CHARLOTTE	2801172467 5118046985	1V5216D 1V7166D
target Fruitville Sarasota	sarasota	49909-58540	1V5871D
Target 3251 Hollywood Blv,	Hollywood	771059334	1V7032D
Target 21637 SR#7,	Boca Raton	287311708	1V5885D
Target 1200 Linton Blv,	Delray Beach	1385410566	1V5025D
Target 6150 14 St W,	Bradenton	36908-36659	1V5192D
Target 4271 Tamiami Trail S,	Venice	59543-43371	1V5159D
Target 1400 Tamiami Trail,	Port Charlotte	10054-46984	1V5887D
Target 1901 N Congress Av,	Boyton Beach	39242-15316	1V7001D
Target 13711 S Tamiami Trail	Ft Myers	42298-19083	1V7019D
Target 2750 W New Haven Ave	Melbourne Village	5419800197	1V5209D
OCEAN PROPERTIES HOLIDAY INN 100 RIVERFRONT	BRADENTON	70876-34924	1V52093
Home Depot 3860 NORTHLAKE BLVD	LAKE PARK	0076326479	1V55848
2829 W NEW HAVEN AVE	MELBOURNE VILLAGE	5201107132	1V51240
1500 SW 8TH ST	BOYNTON BEACH	6924616326	1V7165D
1800 TAMIAMI TRL	PORT CHARLOTTE	3043340953	1V5517D
9820 GLADES RD #HOMEDEPOT	BOCA RATON	7674516658	1V53337
3451 NW FEDERAL HWY	JENSEN BEACH	1929328472	1V5036D

