



Law Department
(305) 552-3922

April 6, 2004

Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

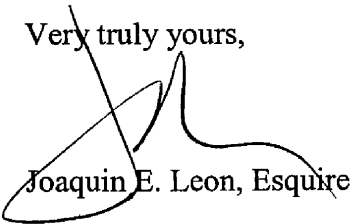
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Re: Florida Power & Light Company's Objections to Staff's
First Request for Production of Documents (Nos. 1-4) and
First Set of Interrogatories (Nos. 1-38)
Docket No. 040206-EI

Dear Ms. Bayó:

Enclosed for filing are the original and seven (7) copies of Florida Power & Light Company's Objections to Staff's First Request for Production of Documents (Nos. 1-4) and First Set of Interrogatories (Nos. 1-38), together with a diskette containing the electronic version of same. The enclosed diskette is 2HD density; the operating system is Windows 2000; and the word processing software in which the document appears is Word 97 SR-2.

Very truly yours,



Joaquin E. Leon, Esquire

JEL:alc
Enclosures

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cc: Parties of Record w/enclosures

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to Determine Need for) Docket No. 040206-EI
Turkey Point Unit 5 Power Plant)
by Florida Power & Light Company.) Dated: April 6, 2004
_____)

**FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS TO
STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1 - 4)
AND FIRST SET OF INTERROGATORIES (NOS. 1 - 38)**

Florida Power & Light Company ("FPL") submits the following Objections to the Florida Public Service Commission ("PSC" or the "Commission") Staff's ("Staff's") First Request for Production of Documents (Nos. 1-4) and First Set of Interrogatories (Nos. 1-38) that were served on FPL via U.S. Mail.

I. Preliminary Nature of These Objections

FPL's objections stated herein are preliminary in nature. FPL is furnishing its objections consistent with the time frames set forth in the Commission's Order Establishing Procedure, Order No. PSC-04-0325-PCO-EI, dated March 30, 2004, and Rule 1.190(e), Florida Rules of Civil Procedure. 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 information requested of FPL, 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

FPL objects to each and every request for documents or interrogatory that calls for information protected by the attorney-client privilege, the work product doctrine, the

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FPSC-COMMISSION CLERK

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.

In certain circumstances, FPL 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 without provisions in place to protect the confidentiality of the information, if at all. FPL has not had sufficient time to determine whether the discovery requests call for the disclosure of confidential information. By agreeing to provide such information in response to such request, FPL is not waiving its right to insist upon appropriate protection of confidentiality by means of a protective order or other action to protect the confidential information requested. FPL 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.

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 Florida Public Service Commission 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, these responses 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 any production location other than FPL's General Offices at 9250 West Flagler Street, Miami, Florida.

FPL also objects to these discovery requests to the extent they call for FPL to prepare information in a particular format or perform calculations or analyses not previously prepared or performed as purporting to expand FPL's obligations under applicable law. Further, FPL objects to these interrogatories to the extent they purport to require FPL to conduct an analysis or create information not prepared by FPL in the normal course of business. FPL will comply with its obligations under the applicable rules of procedure.

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 Staff through normal procedures.

FPL notes that the cumulative effect of the many discovery requests in these proceedings make Staff'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.

Several of the discovery requests are not expressly limited to data or analyses performed in connection with the evaluation of the Turkey Point Unit 5 project that is the

subject of this docket. FPL assumes that, unless expressly stated to the contrary, Staff's discovery requests are intended to refer to data or analyses related to the Turkey Point Unit 5 project 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 each discovery request and any definitions and instructions that purport to expand FPL's obligations under applicable law.

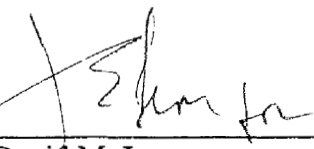
In addition, FPL reserves its right to count interrogatories and their sub-parts (as permitted under the applicable rules of procedure) in determining whether it is obligated to respond to additional interrogatories served by any party.

Notwithstanding any of the foregoing general objections and without waiving these objections, FPL will furnish responses to Staff's discovery requests.

Respectfully submitted,

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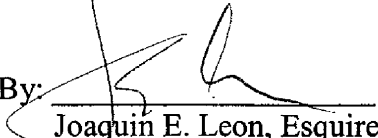
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By: 

David M. Lee
Fla. Bar No.: 103152

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Objections To Staff's First Request for Production of Documents (Nos. 1-4) and First Set of Interrogatories (Nos. 1-38) has been hand delivered (*) and has been furnished by United States Mail this 6th day of APRIL, 2004, to the following:

By: 
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