

JAMES E. "JIM" KING, JR.  
President

JOHNNIE BYRD  
Speaker



ORIGINAL  
STATE OF FLORIDA  
OFFICE OF PUBLIC COUNSEL

C/O THE FLORIDA LEGISLATURE  
111 WEST MADISON ST.  
ROOM 812  
TALLAHASSEE, FLORIDA 32399-1400  
850-488-9330



Harold McLean  
Public Counsel

November 16, 2004

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

RECEIVED FPSC  
NOV 16 PM 3:17  
COMMISSION  
CLERK

RE: Docket No. 041291-EI, In Re: Florida Power & Light  
Company's petition for authority to recover prudently incurred storm restoration costs  
related to 2004 storm season that exceed storm reserve balance, by Florida Power &  
Light Company.

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and fifteen (15)  
copies of the Office of Public Counsel's First Request for Production of Documents to  
Florida Power & Light (Nos. 1-11) for filing in the above referenced docket.

Please indicate the time and date of receipt on the enclosed duplicate of this letter  
and return it to our office.

Sincerely,

Patricia A. Christensen  
Associate Public Counsel

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
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PC/pwd  
Enclosures

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

12226 NOV 16 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company ) Docket No. 041291-EI )  
 ) Filed: November 16, 2004  
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OFFICE OF PUBLIC COUNSEL'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA POWER & LIGHT ( Nos. 1-11 )

Pursuant to § 350.0611(1), Florida Statutes (2002), Rule 28-106.206, Florida Administrative Code, Rule 1.350, Florida Rules of Civil Procedures, Citizens request Florida Power & Light (FP&L) to produce the following documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, on or before Wednesday, December 15, 2004, or at such other time and place as may be mutually agreed upon by counsel.

DEFINITIONS

1. The terms "document" or "documents" are meant to have the broadest possible meaning under applicable law and includes, but is not necessarily limited to, any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, e-mail, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records,

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.

2. The term "referring or relating to" means any oral, graphic, demonstrative, telephonic, verbal, electronic (including e-mail), written or other conveyance of information, including but not limited to conversations, telecommunications, and documents.

3. As used herein the terms "you," "your," and "company" refer to Florida Power & Light, together with the officers, employees, consultants, agents, representatives, and attorneys of Florida Power & Light, as well as any other person or entity acting on behalf of Florida Power & Light.

4. Words in the past tense include the present, and words in the present tense include the past. Use of the singular includes the plural, and use of the masculine includes the feminine where appropriate, and vice versa.

### **INSTRUCTIONS**

1. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which privilege is claimed, together with the following

information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.

2. These discovery requests are to be answered with reference to all information in your possession, custody or control, or reasonably available to you.

3. If Florida Power & Light has possession, custody, or control of the originals of the documents requested, please produce the originals or a complete copy of the originals and all copies which are different in any way from the original, whether by interlineation, receipt stamp or notation. If Florida Power & Light does not have possession, custody, or control of the originals of the documents requested, please produce any copies in the possession, custody, or control, however made, of Florida Power & Light.

4. Please construe "and" as well as "or" either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be construed to be outside the scope.

### **DOCUMENTS REQUESTED**

1. Please provide all work papers and documents used to develop FP&L's estimates for storm recovery in this docket.

2. Please provide a copy of all presentations made to FP&L officers and senior executives relating to the recovery of 2004 storm related damages.

3. Please provide copies of all forecasts produced by the company that relate to the recovery of 2004 storm related damages.

4. Please provide a copy of all FP&L Florida operations budgets for 2004 and 2005 as they existed on April 30, 2005. (provide budgets separately for each operating entity i.e. generation, transmission and distribution maintenance, construction, customer service, etc.).

5. Please provide a copy of all monthly budget actual and variances for year 2004 for the operational entities specified in #4 preceding.

6. Please provide a copy of all work orders and projects exceeding \$100,000 that are incomplete as of November 1, 2004.

7. Please provide the company's operational business plans for generation, transmission and distribution, construction and customer services organizations for 2004 and 2005. For 2005, if those plans are not complete, provide the latest drafts of such plans.

8. Please provide a copy or a description of all insurance policies the company has that cover storm damages and provide copies of all claims filed in 2004 for the recovery of storm losses.

9. Please provide a copy of the company's executive instructions or practices that apply to the financial charging and booking of storms related expenses.

10. Please provide a copy of the company's executive instructions and practices relating to the booking of casualty losses.

11. Please provide all documents dealing with the actual or projected impacts that storm related casualty losses are expected to have on the company's depreciation report for the year 2004.

Respectfully submitted,



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Patricia A. Christensen  
Florida Bar No. 0989789  
Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
Room 812, 111 W. Madison Street  
Tallahassee, Florida, 32399-1400  
(850) 488-9330

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Mail on this 16th day of November, 2004, to the following:

Florida Power & Light Company  
Mr. Bill Walker, Esquire  
215 S. Monroe Street, Suite 810  
Tallahassee, FL 32301-1859

Florida Power & Light  
Mr. R. Wade Litchfield, Esquire  
700 Universe Blvd.  
Juno Beach, FL 33408

Florida Public Service Commission  
Cochran Keating, Esquire  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850



Patricia A. Christensen  
Associate Public Counsel