

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by)
Florida Power & Light Company.)
_____)

Docket No. 050045-EI

In re: 2005 comprehensive depreciation)
study by Florida Power & Light Company.)
_____)

Docket No. 050188-EI

Filed: August 8, 2005

**OBJECTIONS OF FLORIDA POWER & LIGHT COMPANY
TO PORTIONS OF DOCUMENT REQUESTS ACCOMPANYING
NOTICES OF DEPOSITION FOR K. MICHAEL DAVIS**

Florida Power & Light Company ("FPL") hereby objects for the reasons set forth below to Public Counsel's Cross-Notice of Telephonic Depositions, filed July 29, 2005, FIPUG's Cross-Notice of Telephonic Depositions, filed July 29, 2005, the South Florida Hospital and Healthcare Association's ("SFHHA") Cross Notice of Telephonic Depositions, dated July 29, 2005, and the Florida Retail Federation's ("FRF") Cross-Notice of Telephonic Depositions, dated July 29, 2005, with respect to the directions contained therein for K. Michael Davis to bring to his deposition copies of "all work papers or other materials used by the witness ... in preparation of responses to ['Staff's,' in the case of the Public Counsel, SFHHA and FRF notices, and 'FIPUG's,' in the case of FIPUG's notice] discovery requests in this docket."

The above-quoted document requests are overly broad and unduly burdensome. As FPL's Vice President, Controller and Chief Accounting Officer and FPL's principal accounting witness in these dockets, Mr. Davis has been identified as the sponsor of FPL's responses to well over a hundred Staff and FIPUG discovery requests. The work papers and other supporting materials for those responses are extremely voluminous and located throughout FPL's operations. Identifying and gathering all of those materials would be a Herculean task.

The burden of identifying and gathering the requested materials is greatly exacerbated by the short time FPL has been given to do so. The deposition notices were served on FPL on July 29 for a deposition on August 9, leaving only about five or six business days to complete this burdensome task. This contrasts sharply with the thirty days that parties are allowed by the Order Establishing Procedure in this proceeding (Order No. PSC-05-0347-PCO-EI, dated March 31, 2005) and Rule 1.350 of the Florida Rules of Civil Procedure to respond to requests for production of documents. To protect against this sort of abuse and circumvention of the discovery process, Rule 1.310 of the Florida Rules of Civil Procedure recognizes that, when a party seeks to have documents produced at a deposition, the requirements of Rule 1.350 (including the allowed period to respond) applies. Public Counsel, SFHHA, FRF and FIPUG have failed to comply with these requirements.

Finally, Public Counsel's, SFHHA's, FRF's and FIPUG's directions to Mr. Davis violate the August 10, 2005 discovery cut-off set in the Order Establishing Procedure. As noted above, FPL is entitled to thirty days to respond to document production requests, whether or not they are made in conjunction with a deposition. The documents supporting discovery responses that Public Counsel, SFHHA, FRF and FIPUG have directed Mr. Davis to bring to his deposition would not be due until August 27, 2005 at the earliest, which is well beyond the discovery cut-off.

Staff's original Notice of Telephonic Deposition, dated July 28, 2005, also asked that Mr. Davis bring to his deposition "all work papers or other materials used by the witness ... in preparation of responses to Staff's discovery requests in this docket." However, Staff counsel Cochran Keating advised FPL by e-mail last week that Staff needed Mr. Davis to bring only a small and manageable group of documents to his deposition. With the understanding that the

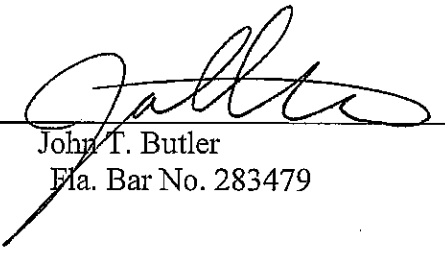
request in Staff's Notice of Telephonic Deposition is limited to that group of documents, FPL is not objecting at this time to Staff's request.

Respectfully submitted this 8th day of August, 2005.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Objections has been furnished electronically and by United States Mail this 8th day of August, 2005, to the following:

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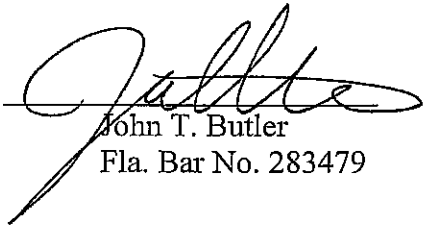
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