

Matilda Sanders

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 Sent: Thursday, August 11, 2005 4:49 PM
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 Subject: Electronic Filing for Docket No. 050045-EI/Docket No. 050188-EI - Objections of FPL to
 Portions of Document Requests Accompanying Notices of Deposition for Moray P.
 Dewhurst

Attachments: Objections of FPL to Portions of Doc Requests Accompanying Not of Depo for
 Dewhurst.DOC



Objections
PL to Portion

a. Person responsible for this electronic filing:

R. Wade Litchfield, Senior Attorney
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408
(561) 691-7101

b. Docket No. 050045-EI / Docket No. 050188-EI

In re: Petition for rate increase by Florida Power & Light Company In re: 2005 Comprehensive
Depreciation Studies by Florida Power & Light Company

c. Document being filed on behalf of Florida Power & Light Company.

d. There are a total of 5 pages.

e. The document attached for electronic filing is Objections of Florida Power & Light Company
to Portions of Document Requests Accompanying Notices of Deposition for Moray P. Dewhurst.

(See attached file: Objections of FPL to Portions of Doc Requests Accompanying Not of Depo
for Dewhurst.DOC)

Thank you for your attention and cooperation to this request.

CMP _____

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Wade Litchfield, Esq. and Natalie Smith, Esq.

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GCL _____

OPC _____

RCA _____

SCR _____

SGA _____

SEC 1

OTH _____

DOCUMENT NUMBER-DATE

07833 AUG 11 05

FPSC-COMMISSION CLERK

ORIGINAL

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 11, 2005

**OBJECTIONS OF FLORIDA POWER & LIGHT COMPANY
TO PORTIONS OF DOCUMENT REQUESTS ACCOMPANYING
NOTICES OF DEPOSITION FOR MORAY P. DEWHURST**

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, the Florida Industrial Power Users Group's ("FIPUG") 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, the Florida Retail Federation's ("FRF") Cross-Notice of Telephonic Depositions, dated July 29, 2005, and Federal Executive Agencies's ("FEA") Cross-Notice of Telephonic Depositions, dated July 30, 2005, with respect to the directions contained therein for Moray P. Dewhurst 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 Senior Vice President of Finance and Chief Financial Officer witness in these dockets, Mr. Dewhurst has been identified as the sponsor of many FPL's responses. 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.

DOCUMENT NUMBER-DATE

07833 AUG 11 05

FPSC-COMMISSION CLERK

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, July 30 for a deposition on August 12, leaving only about eight or ten 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. Dewhurst violate the August 10, 2005 discovery cut-off set in the Order Establishing Procedure. As noted above, FPL is entitled to thirty days to response 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. Dewhurst to bring to his deposition would not be due until well beyond the discovery cut-off.

Staff's original Notice of Telephonic Deposition, dated July 28, 2005, also asked that Mr. Dewhurst 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. Dewhurst 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,

By: s/R. Wade Litchfield
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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 11th day of August, 2005, to the following:

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