

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of)
Numeric Conservation Goals)
by Florida Power & Light Company)
_____)

Docket Nos. 040660-EG and 040029-EG
Consolidated

Dated: August 26, 2005

COMPLIANCE DATA SERVICES, INC.'S ("Calcs-Plus") THIRD REQUEST FOR PRODUCTION OF DOCUMENTS TO COMPLIANCE DATA SERVICES, INC. (NOS. 28-36)

Pursuant to Rule 28-106.206, Florida Administrative Code and Rule 1.350, Florida Rules of Civil Procedure, COMPLIANCE DATA SERVICES, INC. ("Calcs-Plus") serves the following request for production of documents upon Florida Power & Light Company ("FPL"), and requests that responsive documents be produced pursuant to the timeframes established in the Commission's Order Establishing Procedure in the above-referenced docket.

DEFINITIONS

1. "Calcs Plus" means Compliance Data Services, Inc., Dennis J. Stroer and Jon F. Klungerbo, who individually and collectively filed the November 12, 2004, and the amended December 29, 2004, protest in Consolidated Docket Nos. 040660-EG and 040029-EG.

CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
RCA _____
SCR _____
SGA _____
SEC | _____
OTH _____

2. "You," "yours" and/or "yourselves" means Florida Power & Light Company ("FPL"), and any attorney, employee, agent, representative or other person acting or purporting to act on the behalf of FPL, including all persons who will offer testimony on behalf of FPL in this proceeding.

3. "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.

4. "Protest" shall mean the protest of approval of modifications to FPL's BuildSmart Plan filed by Calcs-Plus, Dennis J. Stroer and Jon F. Klongerbo on November 12, 2005, and amended on December 29, 2004, in Consolidated Docket Nos. 040660-EG and 040029-EG.
5. "Document or documents" means "documents" as defined in Rule 1.350 of the Florida Rules of Civil Procedure. In addition, the words "document" or "documents" shall mean any writing, recording, computer-stored information, or photograph in your actual or constructive possession, custody, care or control, which pertain directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, computer discs, microfilms, video tapes or tape recordings. The term "documents" includes copies of documents, where the originals are not in your possession, custody, or control.
6. The term "documents" includes every copy of a document that contains handwritten or other notations or that otherwise does not duplicate the original or any other copy.
7. The term "documents" also includes any attachments or appendices to any document.
8. "Each" shall be construed to include the word "every" and "every" shall be construed to include the word "each." Similarly, "any" shall be construed to include "all," and "all" shall be construed to include "any."
9. "FEECA" means the Florida Energy Efficiency Conservation Act.
10. "FPSC" or "Commission" shall mean Florida Public Service Commission."
11. "FPL" means Florida Power & Light Company.

12. "Petitioners" shall mean Calcs-Plus, Dennis J. Stroer and Jon F. Klongerbo, whether individually or collectively.
13. "Principals" shall mean Dennis J. Stroer and Jon F. Klongerbo.
14. "Witness" means any person, including but not limited to expert witnesses, whom you intend to call to testify in this proceeding.

INSTRUCTIONS

1. Scope of Production. In responding to this request to produce, produce all responsive documents, including any and all non-identical copies of each such document.
2. 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.
3. 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.
4. 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.

5. 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.

6. 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

28. Provide copies of any and all documents you identified or relied upon in your responses to FPL's Second Set of Interrogatories.
29. Please provide copies of any and all documents identified in or related to your response to Interrogatory No. 44.

30. Please provide copies of any and all documents identified in or related to your response to Interrogatory No. 45, including, without limitation, any documentation or studies used by you in arriving at the calculations you used.
31. Please provide copies of any and all documents identified in or related to your response to Interrogatory No. 46, including, without limitation, any documentation or studies used by you in arriving at the calculations you used.
32. Please provide all presentations to the public regarding the marketing of the BuildSmart Program (either electronically or hardcopy) since January 2002 for marketing purposes of the BuildSmart Program.
33. Please provide copies of any and all documents, including e-mails, faxes, letters, etc., sent from you, addressed to you, or exchanged between you and any other entity, including, but not limited to, governmental entities, professional associations, business entities and research organizations, discussing, describing, addressing, or referring in any way FPSC Consolidated Docket Nos. 040660-EG and 040029-EG, FPL's BuildSmart Program, or FPL's Residential Conservation Services Program.
34. Please provide any studies done for FPL on the effectiveness of the BuildSmart program or any measures used in the BuildSmart program, including without limitation, studies leading to the design of the program and the measure contained therein or modifications thereto.
35. Please provide the executive summary and all final contract reports prepared for FPL as part of the Residential New Construction Research Project during 1993-95 which lead to the development of the initial BuildSmart program and its measures and performance standards.

36. Please provide documentation as to the development of the prescriptive program approach in the BuildSmart program including any suggested measures that would be included in such an approach.

Respectfully submitted this 26th day of August, 2005.

\s\ William J. Tait, Jr.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this 26th day of August, 2005, to the following:

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\s\ William J. Tait, Jr.
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