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Timolyn Henry\*\*\*\*\*1

**Timolyn Henry**

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**From:** John\_Butler@fpl.com  
**Sent:** Monday, October 16, 2006 4:22 PM  
**To:** Filings@psc.state.fl.us  
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**Subject:** Electronic Filing for Docket No. 060007-EI -- FPL's Notice of Serving Objections and Responses to Staff's Third Interrogatories and First Request for Documents

**Attachments:** Objections and Responses to Staff's 1st POD and 3rd INTs (ECRC).doc



Objections and Responses to St...

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 060007-EI

c. The documents is being filed on behalf of Florida Power & Light Company.

d. There is a total of 2 pages.

e. The document attached for electronic filing is Florida Power & Light Company's Notice of Serving Objections and Responses to Staff's Third Set of Interrogatories (Nos. 16-19) and First Request for the Production of Documents (No. 1).

(See attached file: Objections and Responses to Staff's 1st POD and 3rd INTs (ECRC).doc)

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DOCUMENT NUMBER-DATE  
09569 OCT 16 06

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**IN RE: Environmental Cost )  
Recovery Clause )**

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**Docket No. 060007-EI  
Filed: October 16, 2006**

**FLORIDA POWER & LIGHT COMPANY'S NOTICE OF SERVING OBJECTIONS  
AND RESPONSES TO STAFF'S THIRD SET OF INTERROGATORIES (NOS. 16 -19)  
AND FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS (NO. 1)**

Florida Power & Light Company ("FPL") submits the following Objections and Responses to Staff's Third Set of Interrogatories (Nos. 16-19) and First Request for the Production of Documents (No. 1).

**I. General Objections.**

FPL objects to each and every discovery request, to the extent it calls for information protected by the attorney-client privilege, the work product doctrine, the 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 any such privilege or protection. The nature of the any such document(s) will be described in a privilege log filed/prepared by FPL.

FPL objects to providing information that is proprietary, confidential business information without provisions in place to protect the confidentiality of the information. FPL in no way intends to waive claims of confidentiality.

FPL objects to each discovery request and any instructions that purport to expand FPL's obligations under applicable law.

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 responses to the discovery requests. Rather, these responses provide all the information that FPL obtained after a reasonable and diligent search conducted in connection with these discovery requests. 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 each discovery request to the extent that it seeks information that is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

FPL objects to each and every discovery request to the extent it is vague, ambiguous overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests.

FPL expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity or relevancy of the information provided in its responses to Staff's discovery requests.

## II. Responses

A. First Third Set of Interrogatories (Nos. 16-19). Pursuant to Rule 28-106.106, Florida Administrative Code and Rule 1.340, Florida Rules of Civil Procedure, attached hereto are FPL's answers to Staff's Third Set of Interrogatories (Nos. 16-19), consistent with its prior objections, together with the affidavit(s) of the person(s) providing said answers.

B. First Request for the Production of Documents (No.1). Pursuant to Rule 28-106.106, Florida Administrative Code and Rule 1.350, Florida Rules of Civil Procedure, and consistent with its prior objections, FPL will make the documents responsive to Staff's First Request for the Production of Documents (No.1) available for inspection and copying at a mutually agreed time and place.

Respectfully submitted this 16<sup>th</sup> day of October, 2006.

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By: \_\_\_\_\_  
John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

**Docket No. 060007-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by overnight delivery\* or United States mail on October 16, 2006 to the following:

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