

RECEIVED FPSC

08 MAR -3 PM 3:10

COMMISSION  
CLERK

Jessica A. Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5226  
(561) 691-7135 (Facsimile)

08 MAR -3 PM 3:56

February 29, 2008

**-VIA OVERNIGHT DELIVERY -**

Ms. Ann Cole, Director  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**Re: Docket No. 080001-EI**

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of (i) Florida Power & Light Company's ("FPL's") Notice of Serving Objections and Responses to Staff's First Set of Interrogatories (Nos. 1-20) and First Request for Production of Documents (Nos. 1-10) and (ii) FPL's Request for Confidential Classification of Certain Information Responsive to Staff's First Set of Interrogatories (Nos. 1-20) and First Request for Production of Documents (Nos. 1-10), together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software in which the document appears is Word 2003. Pursuant to Rule 25-22.006, F.A.C., I am enclosing one highlighted and two redacted copies of the confidential documents that is the subject of the confidentiality request.

01577-08

01572-08

8046510

If there are any questions regarding this transmittal, please contact me at 561-304-5226.

- CMP 1
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR
- GCL 2 + Diskette
- OPC \_\_\_\_\_
- RCA 1 cc: Counsel for Parties of Record (w/encl.)
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

Sincerely,

*Jessica A. Cano*  
Jessica A. Cano for JAC

DOCUMENT NO. DATE  
01577-08 3/3/08  
FPSC - COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Fuel and Purchased Power )  
Cost Recovery Clause with Generating )  
Performance Incentive Factor )

Docket No: 080001-EI

Date: February 29, 2008

**FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS AND RESPONSES  
TO STAFF'S FIRST SET OF INTERROGATORIES (NOS. 1-20) AND  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-10)**

Florida Power & Light Company ("FPL") submits the following Objections and Responses to Staff's First Set of Interrogatories (Nos. 1-20) and First Request for Production of Documents (Nos.1-10).

**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.

FPL objects to Staff's First Request for Production of Documents to the extent it asks for FPL's responses to be received within 30 days after service of the request, as opposed to asking for FPL's responses to be served within 30 days after receipt of the request, as directed in the

Order Establishing Procedure. Without waiving its objection, FPL is providing the responsive documents via overnight delivery contemporaneously with these Objections and Responses.

## II. Responses

A. First Set of Interrogatories (Nos. 1-20). 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 First Set of Interrogatories (Nos. 1-20), 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 (Nos. 1-10). 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 is hereby enclosing for service to Staff the documents responsive to Staff's First Request for Production of Documents (Nos.1-10).

Respectfully submitted this 29th day of February, 2008.

R. Wade Litchfield  
Vice President and Associate General Counsel  
John T. Butler  
Senior Attorney  
Jessica A. Cano  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5226  
Facsimile: (561) 691-7135

By: Koual M. Dubin for JC  
Jessica Cano  
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE**

**Docket No. 080001-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by overnight delivery (\*) or United States mail on February 29, 2008 to the following:

Lisa Bennett, Esq.\*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

J. R. Kelly, Esq.  
Steve Burgess, Esq.  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399

Lee L. Willis, Esq.  
James D. Beasley, Esq.  
Ausley & McMullen  
Attorneys for Tampa Electric  
P.O. Box 391  
Tallahassee, Florida 32302

John T. Burnett, Esq.  
Progress Energy Service Company, LLC  
P.O. Box 14042  
St. Petersburg, Florida 33733-4042

John W. McWhirter, Jr., Esq.  
McWhirter Reeves  
Attorneys for FIPUG  
400 North Tampa Street, Suite 2450  
Tampa, Florida 33602

Norman H. Horton, Jr., Esq.  
Floyd R. Self, Esq.  
Messer, Caparello & Self  
Attorneys for FPUC  
P.O. Box 1876  
Tallahassee, Florida 32302-1876

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Beggs & Lane  
Attorneys for Gulf Power  
P.O. Box 12950  
Pensacola, Florida 32576-2950

Michael B. Twomey, Esq.  
Attorney for AARP  
Post Office Box 5256  
Tallahassee, Florida 32314-5256

By:   
Jessica A. Cano