

BEFORE THE PUBLIC SERVICE COMMISSION

In Re: Petition and Complaint of the)
Municipal Underground Utilities)
Consortium for Relief from Unfair)
Charges and Practices of Florida)
Power & Light Company)
_____)

Docket No. 080522-EI

Filed: August 6, 2008

MOTION FOR LEAVE TO PROPOUND ADDITIONAL INTERROGATORIES

The Municipal Underground Utilities Consortium (the "MUUC"), the Town of Palm Beach ("Palm Beach"), the City of Coconut Creek ("Coconut Creek"), and the Town of Jupiter Inlet Colony ("Jupiter Inlet Colony"), collectively referred to herein as the "Petitioners," pursuant to Rule 1.340(a), Florida Rules of Civil Procedure, and Rule 28-106.206, Florida Administrative Code, move for an order granting leave to propound interrogatories more than thirty (30) in number, a copy of which proposed interrogatories is attached.

As grounds for the Petitioners' Motion, Petitioners state that the requested number of interrogatories – up to 400 interrogatories, including each subpart counted as an individual interrogatory – is appropriate and justified by the detailed inquiry necessary in order to determine whether the various costs and cost adjustments proposed (or rejected) by Florida Power & Light Company ("FPL") with respect to FPL's allocation and assignment of "Engineering and Overhead" costs to underground conversion projects where an Applicant performs the construction and installation work as provided for under the Commission's Rules and FPL's tariffs. FPL has furnished a spreadsheet identifying fourteen (14) subcategories of "Engineering and Overhead" costs that FPL asserts are properly allocated to underground conversion work even where an Applicant performs the construction and installation work; the Petitioners disagree with FPL's proposed allocations and are properly entitled to conduct discovery as to the

detail of each such subcategory of costs. The Petitioners commit that they will attempt to limit their total interrogatories to no more than are necessary to investigate, evaluate, and confirm appropriate information that bears directly on the issues raised in their Petition & Complaint filed herein on August 5, 2008. The interrogatories propounded today total 230, including subparts. Petitioners do not expect to propound a significant number of interrogatories beyond those propounded today, but are asking for leave to propound up to the number requested above in order to avoid the possibility of having to file a further motion.

The Commission regularly allows additional interrogatories where appropriate to the subject matter of the proceeding. See, e.g., In Re: Petition for Rate Increase by Florida Power & Light Company, Order No. PSC-05-0347-PCO-EI at 1, the Commission's Order Establishing Procedure, in which the Commission allowed 500 interrogatories per party (and 500 production requests per party). Petitioners of course recognize that this was a general rate case, but they also observe that there were multiple parties in that case, allowing for literally more than 2,500 interrogatories in total, and reiterate that the requested numbers of discovery requests are justified by the detailed nature of the issues in this proceeding.

As required by Rule 28-106.204(3), F.A.C., Petitioners' counsel has forwarded a draft of this motion to counsel for FPL seeking FPL's position with respect to this Motion, and states that since the interrogatories are being filed contemporaneously with this Motion, FPL is unable to form a position with respect to the number of interrogatories requested and that FPL reserves its rights to object to the number and to the motion.

WHEREFORE, the Petitioners respectfully move the Commission, through the Prehearing Officer assigned to this docket, to enter an order granting their request for leave to propound up to 400 interrogatories, including subparts, as prayed herein.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. Mail on this 6th day of August, 2008, on the following:

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