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Sent: Thursday, May 21, 2009 3:35 PM
To: Filings@psc.state.fl.us
Cc: cecilia_bradley@oag.state.fl.us; Dianne Triplett; James M. Walls; John Burnett; John McWhirter; Keino Young; Lisa Bennett; Paul Lewis; R. Alexander Glenn; vkaufman@kagmlaw.com
Subject: e-filing (Dkt. No. 080677-EI)
Attachments: 080677 OPC Initial Objections to FPL First Interrogatories and First Request for Documents.sversion.doc

Electronic Filing

a. Person responsible for this electronic filing:

Charlie Beck, Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
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b. Docket No. 080677-EI

In re: Petition for rate increase by Florida Power & Light Company.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 6 pages.

e. The document attached for electronic filing is Citizen's Initial Objections to Florida Power & Light Company's First Set of Interrogatories and First Request for Production of Documents. (See attached file: 080677 OPC Initial Objections to FPL First Interrogatories and First Request for Documents.sversion.doc)

Thank you for your attention and cooperation to this request.

Brenda S. Roberts
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DOCUMENT NUMBER-DATE

05073 MAY 21 08

5/21/2009

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Florida Power & Light Company.

Docket No. 080677-EI

Filed May 21, 2009

**CITIZENS' INITIAL OBJECTIONS TO
FLORIDA POWER AND LIGHT COMPANY'S FIRST SET OF
INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Order PSC-09-0159-PCO-EI issued March 20, 2009, the Citizens of Florida, through the Office of Public Counsel (OPC), serve these initial objections to Florida Power and Light Company's first set of interrogatories and first request for documents (together, "discovery requests") to the Office of Public Counsel dated May 1, 2009.

I. General Objections

With respect to the "Definitions" and "Instructions" in the requests, Citizens object to any definitions or instructions that are inconsistent with Citizens' discovery obligations under applicable rules. If some question arises as to Citizens' discovery obligations, Citizens will comply with applicable rules.

OPC objects to each and every discovery request that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other applicable privilege or protection afforded by law.

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FPSC-COMMISSION CLERK

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

OPC objects to any production locations other than OPC's Offices at 111 West Madison Street, Room 812, Tallahassee, Florida.

OPC 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.

OPC 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.

OPC object to any request that purports to require Citizens or its experts to prepare studies, analyses, or to do work for OPC that has not been done for Citizens.

OPC objects to any discovery request that calls for the creation of information as opposed to the reporting of presently existing information as purporting to expand OPC's obligation under the law. The Florida Rules of Civil Procedure require OPC to produce only responsive documents "that are in the possession, custody or control" of OPC. There is no obligation to create documents, records, or information that does not exist at the time of the request.

OPC objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available to FPL through normal procedures.

OPC 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 answers to the interrogatories and requests for documents.

OPC objects to FPL's instruction to produce a printout of a requested document if the document is on computer or word processing disc. That instruction is burdensome. OPC will produce either electronic or printed copies of documents.

II. Additional Specific Objections

Interrogatory one asks OPC to identify each consultant, expert, witness, or other person, including but not limited to any person or entity not yet formally retained, who will provide testimony, documents, exhibits, or other materials and/or support on behalf of OPC in this docket. OPC objects to this request to the extent it relates to actions which will take place in the future. OPC will respond only to the extent of OPC's intent, as of the date of service of this interrogatory, with regard to persons who will provide testimony, documents, exhibits, or other materials and/or support on behalf of OPC in this docket.

OPC objects to interrogatories three and four because the interrogatories seek information that is not relevant to the subject matter of this docket, and are not reasonably calculated to lead to the discovery of admissible evidence

OPC objects to interrogatory five to the extent it asks for the identification of any documents which did not exist on the date of service of the interrogatory. In addition, OPC will respond only to the extent of OPC's intent as of the date of service of this interrogatory.

With respect to request for documents number two, OPC objects to the request to the extent it asks for all documents evidencing communications with any consultant, or other person identified in response to interrogatories one and two, regardless of content or subject. To that extent the request is overbroad, burdensome, irrelevant, and not likely to lead to the discovery of admissible evidence. The request goes beyond the scope of discovery of experts authorized by the Florida Rules of Civil Procedure. OPC will respond to the request only to the extent it seeks communications or evaluations related to this case. OPC further specifically objects to the request to the extent such documents reflect work product.

s/ Charlie Beck
Charlie Beck
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Florida Bar No. 217281

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Attorney for Florida's Citizens

CERTIFICATE OF SERVICE
DOCKET NO. 080677-EI

I HEREBY CERTIFY that a copy of the foregoing **CITIZENS' INITIAL OBJECTIONS TO FLORIDA POWER AND LIHGT COMPANY'S FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTIONS OF DOCUMENTS** has been furnished by electronic mail and U.S. mail to the following parties on this 21st day of May, 2009 to the following:

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s/ Charlie Beck
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