

John T. Butler
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304- 5639
(561) 691-7135 (Facsimile)

May 26, 2009

RECEIVED-FPSC
09 MAY 27 PM 3:12
COMMISSION
CLERK

-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. 090001-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the following:

- FPL's Notice of Service of its Objections to Staff's Fourth Set of Interrogatories (Nos. 37-47).
- FPL's Notice of Service of its Objections to Office of Public Counsel's Fourth Request for Production of Documents (Nos. 18-23).
- FPL's Notice of Service of its Objections to Staff's Third Set of Interrogatories (Nos. 32-36) and Fourth Request for Production of Documents (Nos. 6-8).

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,



John T. Butler

Enclosure

cc: Counsel for Parties of Record (w/encl.)

DOCUMENT NUMBER-DATE
05256 MAY 27 8
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. 090001-EI
Filed: May 27, 2009**

**NOTICE OF SERVICE OF FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS
TO STAFF'S THIRD SET OF INTERROGATORIES (NOS. 32-36) AND FOURTH
REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 6-8)**

Florida Power & Light Company hereby gives notice of service of its objections to the Staff of the Public Service Commission's ("Staff's") Third Set of Interrogatories (Nos. 32-36) and Fourth Request for Production of Documents (Nos. 6-8).

R. Wade Litchfield, Esq.
Vice President and Chief Regulatory Counsel
John T. Butler, Esq.
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

BY: Damaris Rodriguez for
John T. Butler
Fla. Bar No. 283479

DOCUMENT NUMBER-DATE

05256 MAY 27 09

CERTIFICATE OF SERVICE

Docket No. 090001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by overnight delivery (*) or United States mail this 26th day of May, 2009, to the following:

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

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

John W. McWhirter, Jr., Esq.
McWhirter & Davidson, P.A.
Attorneys for FIPUG
P.O. Box 3350
Tampa, Florida 33602

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

Robert Scheffel Wright, Esq.
Jay T. LaVia, III, Esq.
Young van Assenderp, P.A.
Attorneys for Florida Retail Federation
225 South Adams Street, Suite 200
Tallahassee, FL 32301

Shayla L. McNeill, Capt. USAF
AFLSA/JACL-ULT
Counsel for Federal Executive Agencies
139 Barnes Drive, Ste 1
Tyndall AFB, FL 32403-5319

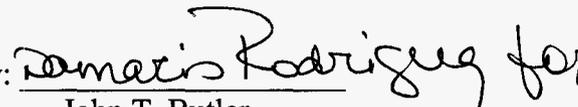
J. R. Kelly, Esq.
Charles J. Rehwinkel, Esq.
Charles Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

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

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

James W. Brew, Esq
Attorney for White Springs
Brickfield, Burchette, Ritts & Stone, The P.C
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 2007-5201

Jon C. Moyle and Vicki Kaufman
Keefe, Anchors Gordon & Moyle, P.A.
118 N. Gadsden St.
Tallahassee, FL 32301
Co-Counsel for FIPUG

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 090001-EI
Date: May 26, 2009

FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS TO STAFF'S THIRD SET
OF INTERROGATORIES (NOS. 32-36) AND FOURTH REQUEST FOR
PRODUCTION OF DOCUMENTS (NOS. 6-8)

Florida Power & Light Company ("FPL"), pursuant to Rules 1.340 and 1.350, Florida Rules of Civil Procedure, and Rule 23-106.206, Florida Administrative Code, submits the following Objections to Staff's Third Set of Interrogatories (Nos. 32-36) and Fourth Request for Production of Documents (Nos. 6-8).

I. General Objections.

FPL 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, 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 prepared and provided by FPL.

In certain circumstances, FPL may determine, upon investigation and analysis, that information responsive to certain discovery requests to which objections are not otherwise asserted is confidential and proprietary and should not be produced without provisions in place to

protect the confidentiality of the information, if at all. By agreeing to provide such information in response to such request, FPL is not waiving its right to insist upon appropriate protection of confidentiality by means of a protective order or other action to protect the confidential information requested. FPL asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

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. Any responses provided by FPL will be provided subject to, and without waiver of, the foregoing objection.

FPL also objects to each and every discovery request to the extent it calls for FPL to prepare information in a particular format or perform calculations or analyses not previously prepared or performed as purporting to expand FPL's obligations under applicable law.

FPL 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 the requesting Party through normal procedures.

FPL objects to each and every discovery request that calls for the production of documents and/or disclosure of information from FPL Group, Inc. and any subsidiaries and/or affiliates of FPL Group, Inc. that do not deal with transactions or cost allocations between FPL and either FPL Group, Inc. or any subsidiaries and/or affiliates. Such documents and/or information do not affect FPL's rates or cost of service to FPL's customers. Therefore, those documents and/or information are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, FPL is the party appearing before the Florida Public Service Commission in this docket. To require any non-regulated entities to participate in irrelevant discovery is by its very nature unduly burdensome and overbroad. Subject to, and without waiving, any other objections, FPL will respond to the extent the request pertains to FPL and FPL's rates or cost of service charged to FPL's customers. To the extent any responsive documents contain irrelevant affiliate information as well as information related to FPL and FPL's rates or cost of service charged to its customers, FPL may redact the irrelevant affiliate information from the responsive document(s).

FPL objects to any production location other than the location established by FPL, at FPL's Tallahassee Office, 215 S. Monroe Street, Suite 810, Tallahassee, FL 32301.

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

In addition, FPL reserves its right to count discovery requests and their sub-parts, as permitted under the applicable rules of procedure, in determining whether it is obligated to respond to additional requests served by any party.

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.

Notwithstanding any of the foregoing general objections and without waiving these objections, FPL intends in good faith to respond to Staff's discovery requests.

Respectfully submitted,
R. Wade Litchfield, Esq.
Vice President and Chief Regulatory Counsel
John T. Butler, Esq.
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

BY: Damaris Rodriguez JTB
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 090001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by overnight delivery (*) or United States mail this 26th day of May, 2009, to the following:

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

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

John W. McWhirter, Jr., Esq.
McWhirter & Davidson, P.A.
Attorneys for FIPUG
P.O. Box 3350
Tampa, Florida 33602

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

Robert Scheffel Wright, Esq.
Jay T. LaVia, III, Esq.
Young van Assenderp, P.A.
Attorneys for Florida Retail Federation
225 South Adams Street, Suite 200
Tallahassee, FL 32301

Shayla L. McNeill, Capt. USAF
AFLSA/JACL-ULT
Counsel for Federal Executive Agencies
139 Barnes Drive, Ste 1
Tyndall AFB, FL 32403-5319

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

John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042
Norman H. Horton, Jr., Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
P.O. Box 1876
Tallahassee, Florida 32302-1876

James W. Brew, Esq.
Attorney for White Springs
Brickfield, Burchette, Ritts & Stone, The P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201

Jon C. Moyle and Vicki Kaufman
Keefe, Anchors Gordon & Moyle, P.A.
118 N. Gadsden St.
Tallahassee, FL 32301
Co-Counsel for FIPUG

By: 
John T. Butler