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Attachments: 10.10.11 FPL Obj. to FlaSEIA 1st INT (1-5).pdf
Electronic Filing

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b. Docket No. 110002 - EI
In RE: Energy Conservation Cost Recovery Clause

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

d. There are a total of 6 pages

e. The document attached for electronic filing is Florida Power & Light Company's Objections to the Florida Solar Energy Industries Association's First Set of Interrogatories (Nos. 1-5)

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Energy Conservation Cost Recovery
Clause

Docket No: 110002-EG

Date: October 10, 2011

**FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS
TO THE FLORIDA SOLAR ENERGY INDUSTRIES ASSOCIATION'S
FIRST SET OF INTERROGATORIES (NOS. 1-5)**

Florida Power & Light Company ("FPL"), pursuant to Rule 1.340, Florida Rules of Civil Procedure, Rule 28-106.206, Florida Administrative Code, and Order No. PSC-11-0150-PCO-EI, submits the following Objections to the Florida Solar Energy Industries Association's ("FlaSEIA") First Set of Interrogatories (Nos. 1-5).

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 document(s), if any, will be described in a privilege log prepared and provided by FPL.

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 NextEra Energy, Inc. and any subsidiaries and/or affiliates of NextEra Energy, Inc. that do not deal with transactions or cost allocations between FPL and either NextEra Energy, 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).

Where any discovery request calls for production of documents, FPL objects to any production location other than the location established by FPL, at FPL's Tallahassee Office located at 215 South Monroe Street, Suite 810, Tallahassee, Florida.

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 FlaSEIA's discovery requests.

II. Specific Objections

FPL objects to FlaSEIA's discovery requests (First Set of Interrogatories, Nos. 1-5) based upon the timing of the discovery. The subject discovery was sent electronically on Sunday, October 2, 2011, and as a result FPL is deemed to have been served on the next business day which was Monday, October 3, 2011. As outlined in Section V(A)(5) of Order No. PSC-11-0136-PCO-EG, responses to discovery served at this stage of the proceedings are due within 20 days of service. In this case, FPL's responses to the subject discovery would therefore be due Monday, October 24, 2011. This due date is 4 days after the date that discovery must be completed pursuant to Section V(A)(1) of Order No. PSC-11-0136-PCO-EG. As such, FPL respectfully objects to the subject discovery, but only to the extent that FlaSEIA's late service of the discovery could serve to inappropriately shorten the time within which FPL's responses will be due. That is, FPL does not object to providing answers to FlaSEIA's Interrogatories numbered 1 through 5, provided FPL is allowed the full 20 days to respond so that the answers may be served on October 24, 2011.

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CERTIFICATE OF SERVICE

DOCKET NO. 110002-EG

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic mail this 10th day of October, 2011 to the following:

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