

**Dorothy Menasco**

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**Sent:** Friday, November 18, 2011 11:43 AM  
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**Subject:** Docket No. 110138-EI  
**Attachments:** 11.18.11 FIPUG Objections to Staff 1st PODs (1).pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

a. The name, address, telephone number and email for the person responsible for the filing is:

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b. This filing is made in Docket No. 110138-EI.

c. The document is filed on behalf of Florida Industrial Power Users Group.

d. The total pages in the document are 4 pages.

e. The attached document is FLORIDA INDUSTRIAL POWER USERS GROUP OBJECTIONS TO STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO FIPUG (NO. 1).

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DOCUMENT NUMBER-DATE  
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 FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for increase in Rates by  
Staff Power Company

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DOCKET NO.: 110138-EI  
FILED: November 18, 2011

**FLORIDA INDUSTRIAL POWER USERS GROUP OBJECTIONS TO STAFF'S FIRST  
REQUEST FOR PRODUCTION OF DOCUMENTS TO FIPUG (NO. 1)**

Pursuant to rule 28-106.206, Florida Administrative Code, rule 1.350 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, the Florida Industrial Power Users Group's (FIPUG) hereby serves its objections to the Staff's First Request for Production of Documents (No. 1) and states as follows:

**GENERAL OBJECTIONS**

With respect to any "Definitions" and "Instructions" in Staff's Requests for Production, FIPUG objects to any definitions or instructions that are inconsistent with FIPUG's discovery obligations under applicable rules. If some question arises as to FIPUG's discovery obligations, FIPUG will comply with applicable rules and not with any of Staff's definitions that are inconsistent with those rules. FIPUG also objects to any request that calls for documents to be produced from the files of FIPUG's counsel in this matter because such documents are privileged and are otherwise not within the scope of discovery under the applicable rules and law.

Furthermore, FIPUG objects to any definition or request that seeks to encompass persons or entities other than FIPUG who are not parties to this action and thus are not subject to discovery. No responses to the requests will be made on behalf of persons or entities other than FIPUG. Furthermore, FIPUG objects to any request that calls for FIPUG to create documents that it otherwise does not have because there is no such requirement under the applicable rules and law.

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Additionally, FIPUG generally objects to Staff's Requests to the extent that they call for documents 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. FIPUG will provide a privilege log in accordance with the applicable law or as may be agreed to by the parties to the extent, if at all, that any document request calls for the production of privileged or protected documents.

Further, in certain circumstances, FIPUG may determine upon investigation and analysis that documents responsive to certain requests to which objections are not otherwise asserted are confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to provide such information in response to such a request, FIPUG is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement, protective order, or the procedures otherwise provided by law or in the Order Establishing Procedure. FIPUG hereby asserts its right to require such protection of any and all information that may qualify for protection under the Florida Rules of Civil Procedure, the Order Establishing Procedure, and all other applicable statutes, rules and legal principles.

FIPUG generally objects to Staff's Requests for Production to the extent that they call for the production of "all" documents of any nature, including, every copy of every document responsive to the requests. FIPUG will make a good faith, reasonably diligent attempt to identify and obtain responsive documents when no objection has been asserted to the production of such documents, but it is not practicable or even possible to identify, obtain, and produce "all" documents. In addition, FIPUG reserves the right to supplement any of its responses to Staff's Request for Production if FIPUG cannot produce documents immediately due to their magnitude

and the work required to aggregate them, or if FIPUG later discovers additional responsive documents in the course of this proceeding.

FIPUG generally objects to each Request to the extent that it calls for information that is not relevant to this case. Where practical, FIPUG will make an effort to redact irrelevant information with a notation regarding the nature of the redaction.

By making these general objections at this time, FIPUG does not waive or relinquish its right to assert additional general and specific objections to Staff's discovery at the time FIPUG's response is due under the Florida Rules of Civil Procedure and the Order Establishing Procedure. FIPUG provides these general objections at this time to comply with the intent of the Order Establishing Procedure to reduce the delay in identifying and resolving any potential discovery disputes.

s/ Vicki Gordon Kaufman \_\_\_\_\_

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Attorneys for Florida Industrial Power Users Group

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Industrial Power Users Group Objections to Staff's First Request for Production of Documents to Florida Industrial Power Users Group (No. 1) has been furnished by electronic mail and U.S. Mail this 18<sup>th</sup> day of November, 2011, to the following:

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