

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power)
Cost Recovery Clause with)
Generating Performance Incentive)
Factor)
_____)

DOCKET NO. 140001-EI
FILED: November 13, 2014

**CITIZENS' OBJECTIONS TO FLORIDA POWER & LIGHT COMPANY'S FIRST SET
OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO
THE OFFICE OF PUBLIC COUNSEL (NOS. 1-9)**

Pursuant to Rules 1.340, Florida Rules of Civil Procedure, Rule 28-106.206, Florida Administrative Code, PSC Order No. PSC-14-0084-PCO-EI, issued February 4, 2014, and PSC Order No. PSC-14-0439-PCO-EI, issued August 22, 2014 the Citizens' of Florida, through the Office of Public Counsel ("Citizens" or "OPC"), hereby submit the following initial objections to Florida Power & Light Company's ("FPL's") First Set of Requests for Production of Documents (Nos. 1-9) to the Office of Public Counsel.

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 and not with any of FPL's definitions or instructions that are inconsistent with those rules.

Citizens objects to each discovery request to the extent that it seeks information that is duplicative, not relevant to the subject matter of this docket, and is not reasonably calculated to lead to the discovery of admissible evidence.

Citizens object to each and every 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 Citizens are provided subject to, and without waiver of, the foregoing objection.

Citizens also 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.

Citizens object to any request that calls for information prepared in anticipation of litigation or hearing, for data or 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. Citizens in no way intends to waive any such privilege or protection.

Citizens reserve the right to supplement any of its responses if Citizens cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if Citizens later discover additional responsive information in the course of this proceeding. By making these general objections at this time, Citizens do not waive or relinquish its right to assert additional general and specific objections to FPL's discovery.

By making these responses herein, Citizens do not concede that any request is relevant to this action or is reasonably calculated to lead to the discovery of admissible evidence. Citizens expressly reserve the right to object to further discovery into the subject matter of any of these requests, to the introduction of evidence of any response or portion thereof, and to supplement its responses should further investigation disclose responsive information.

In responding to these Requests, Citizens have made a reasonable inquiry of those persons likely to possess information responsive thereto and has conducted a reasonable search of those records in Citizens' possession, custody, or control where the requested information would likely be maintained in the ordinary course of business. To the extent that FPL's requests ask Citizens to go to greater lengths, Citizens object because such requests are overly broad, unduly burdensome, and unreasonable.

Citizens object to providing information to the extent that such information is already in the public record before a public agency such as the Florida Public Service Commission and available through normal procedures or is readily accessible through legal search engines.

Citizens expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity or relevance of the information provided in its responses.

In responding to these Requests, Citizens do not waive the foregoing objections, or the specific objections that are set forth in the responses to particular requests.

SPECIFIC OBJECTIONS

In addition to the general objections which apply to every Document Request, Citizens provide the following objections to specific Requests for Production:

Request 1. For each OPC witness testifying in this matter, please produce all direct, rebuttal and/or sur-rebuttal testimony filed with any Public Utility Commission or Public Service Commission, the Federal Energy Regulatory Commission, or any other state or federal regulatory body, deposition transcripts, and/or any hearing transcripts for any appearances before any such regulatory authority concerning:

- a. utility investments in gas reserve projects;
- b. natural gas prices or supply;
- c. natural gas exploration or production;
- d. natural gas storage
- e. natural gas transportation; or
- f. the subject or question of regulatory jurisdiction.

Specific Objections: Citizens object to the extent that this request is overly broad, burdensome, and is not limited to a specific period of time (i.e., five years), and the requested information is in the public record before a public agency and is available through normal procedures or is readily accessible through legal search engines.

- 1.f “the subject or question of regulatory jurisdiction” 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.

Subject to the foregoing specific and general objections, without waiving anything, Citizens will respond to request 1.

Request 2. For each OPC witness testifying in this matter, please produce all articles, texts, treatises, videos, or other materials published or submitted for publication by the witness concerning:

- a. utility investments in gas reserve projects;
- b. natural gas prices or supply;
- c. natural gas exploration or production;
- d. natural gas storage;
- e. natural gas transportation; or
- f. the subject or topic of regulatory jurisdiction.

Specific Objections: Citizens object to the extent that this request is overly broad, burdensome, and is not limited to a specific period of time (i.e., five years), and the requested information is in the public record before a public agency and is available through normal procedures or is readily accessible through legal search engines.

2.f “the subject or question of regulatory jurisdiction” 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.

Subject to the foregoing specific and general objections, without waiving anything, Citizens will respond to request 2.

Request 3. Please provide copies of any testimony or deposition in which OPC witness Ramas has recommended that the recovery of capital investments by a utility be limited to actual demonstrated savings and the order or decision in each such case or proceeding pertaining to the disposition of her recommendation(s).

Specific Objections: Citizens object to the extent that this request is overly broad, burdensome, and is not limited to a specific period of time (i.e., five years), and the requested information is in the public record before a public agency and is available through normal procedures or is readily accessible through legal search engines. Citizens object to the extent that this request is vague, ambiguous, overly broad, or imprecise. Subject to the foregoing specific and general objections, without waiving anything, Citizens will respond to request 3.

Request 4. Please provide all workpapers and source documents supporting or underlying the testimony filed by or on the behalf of OPC in this matter.

Specific Objections: No specific objection.

Request 5. Please provide any treatise or article OPC witnesses in this matter have authored on the subject of natural gas storage.

Specific Objections: Citizens object to the extent this request is not relevant to the subject matter of this docket, and is not reasonably calculated to lead to the discovery of admissible

evidence. Subject to the foregoing specific and general objections, without waiving anything, Citizens will respond to request 5.

Request 6. Please provide copies of all correspondence concerning this matter between OPC and any of the citizens it represents, and between OPC and the Commission Staff.

Specific Objections: Citizens object to the extent that this violates attorney-client privilege between OPC and the Citizens it represents, not relevant to the subject matter of this docket, and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing specific and general objections, without waiving anything, Citizens will respond to request 6.

Request 7. Please provide copies of any and all fliers, handouts, documents, materials, letters, commercials, videos, and any and all other written or computer generated documents created by or at the request of OPC and disseminated to the public that discuss, address, refer the positions or issues that are the subject of this matter.

Specific Objections: Citizens object to the extent this request is not relevant to the subject matter of this docket, and is not reasonably calculated to lead to the discovery of admissible evidence. Citizens object to the extent that 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. Subject to the foregoing specific and general objections, without waiving anything, Citizens will respond to request 7.

Request 8. Please provide the retention or engagement agreements between OPC and witness Ramas and between OPC and witness Lawton for this matter.

Specific Objections: No specific objection.

Request 9. Please provide any and all analyses, studies, reports, and other documents identified and/or discussed in response to FPL's First Set of Interrogatories to

OPC, specifically including, but not limited to, Interrogatory Nos. 3, 5, 8, 30, 31, 34, 47, 51, 52, 56, 58, 59, 60, 61, 63, and 69.

Specific Objections: Citizens object to the extent that this request is overly broad, burdensome, and is not limited to a specific period of time (i.e., five years); the requested information is in the public record before a public agency and is available through normal procedures or is readily accessible through legal search engines; or requires production of copyrighted materials. Citizens object to the extent that this request requires Citizens' witnesses to disclose confidential information obtained in other jurisdictions. Subject to the foregoing specific and general objections, without waiving anything, Citizens will respond to request 9.

RESPONSES

Served herewith are Citizens' responses to FPL's First Request for Production of Documents (Nos. 1-9) consistent with its objections.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and foregoing copy of CITIZENS' OBJECTIONS TO FLORIDA POWER & LIGHT COMPANY'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE OFFICE OF PUBLIC COUNSEL (NOS. 1-9)

has been furnished by electronic mail and/or U.S. Mail on this 13th day of November, 2014, to the following:

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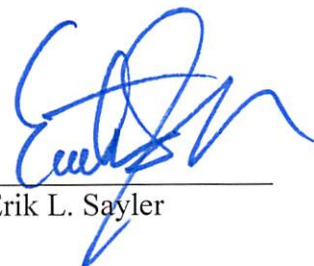
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