

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Request to opt-out of cost recovery for investor-owned electric utility energy efficiency programs by Wal-Mart Stores East, LP and Sam's East, Inc. and Florida Industrial Power Users Group.

---

Docket No. 140226-EI

Filed: May 18, 2015

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S  
OBJECTIONS TO STAFF'S FIRST SET OF INTERROGATORIES (NOS. 1-12)**

Pursuant to Order No. PSC- 15-0149-PCO-EI, the Florida Industrial Power Users Group (FIPUG) submits the following Objections to Staff's First Set of Interrogatories (Nos. 1-12).

**I. General Objections.**

FIPUG asserts the following general objections to Staff's First Set of Interrogatories (Nos. 1-12). Each of FIPUG's objections will be subject to and qualified by these general objections:

1. FIPUG objects to each and every individual discovery request, to the extent it 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. FIPUG in no way intends to waive any such privilege or protection.

2. FIPUG objects to each individual request to the extent it requires production of information that is proprietary, confidential business information without provisions in place to protect the confidentiality of the information. FIPUG in no way intends to waive claims of confidentiality.

3. FIPUG objects to any definitions or instructions accompanying the discovery requests to the extent that they are inconsistent with and expand the scope of discovery specified in the Florida Rules of Civil Procedure that are incorporated into Rule 28-106, Florida Administrative Code or the Commission's rules on discovery. If some question arises as to FIPUG's discovery obligations, FIPUG will comply with applicable rules and not with any of the definitions or instructions accompanying the discovery requests that are inconsistent with or exceed the requirements of those rules. Furthermore, FIPUG objects to any discovery request that calls for FIPUG to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

4. FIPUG objects to any definition or instruction in any discovery request that seeks interrogatory answers containing information from persons or entities who are not parties to this proceeding or that are not subject to discovery under applicable rules.

5. It is possible that not every relevant document may have been reviewed or considered in developing FIPUG's responses to the discovery requests. Rather, FIPUG will provide all the information that FIPUG obtained after a good faith, reasonable and diligent search conducted in connection with these discovery requests. To the extent that the discovery requests propose to require more, FIPUG objects to the requests individually and collectively on the grounds that compliance would impose an undue burden or expense on FIPUG.

6. FIPUG 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.

7. FIPUG objects to each and every discovery request to the extent it is vague, ambiguous, overly broad, burdensome, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests.

8. FIPUG expressly reserves and does not waive any objections it may have to the admissibility, authenticity or relevancy of the information provided in its responses to the subject discovery requests.

9. FIPUG objects to any request that requires the creation of new data, documents or studies.

10. FIPUG objects to providing information already in the public record, that is as easily accessible to Staff as to FIPUG, or that is already in Staff's possession.

11. FIPUG objects to every discovery request to the extent the information sought constitutes "trade secrets" which are privileged pursuant to sections 90.506 and 366.093(3)(a), Florida Statutes.

/s/ Jon C. Moyle, Jr.

Jon C. Moyle, Jr.  
Moyle Law Firm, P.A.  
Perkins House  
118 North Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850) 681-3828  
Facsimile: (850) 681-8788  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)

Attorneys for Florida Industrial Power Users Group

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing The Florida Industrial Power Users Group's Objections to Staff's First Set of Interrogatories (Nos. 1-12) has been furnished by electronic mail this 18<sup>th</sup> day of May 2015, to the following:

Lee Eng Tan  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
ltan@psc.state.fl.us

Jeffrey A. Stone/Russell A. Badders  
Steven R. Griffin  
Beggs & Lane  
Post Office Box 12950  
Pensacola, FL 32591-2950  
jas@beggslane.com  
rab@beggslane.com  
srg@beggslane.com

Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe Street, Suite 601  
Tallahassee, FL 32301  
bkeating@gunster.com

Robert Scheffel Wright/ John T. La Via,  
III  
Gardner Law Firm  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
Schef@gbwlegal.com

Robert L. McGee, Jr.  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780  
rlmcgee@southernco.com  
lroddy@southernco.com

James Beasley  
J. Wahlen  
Ashley Daniels  
Ausley Law Firm  
P.O. Box 391  
Tallahassee, FL 32302

jbeasley@ausley.com  
jwahlen@ausley.com  
adaniels@ausley.com

Cheryl Martin, Director  
Florida Public Utilities Company  
Regulatory Affairs  
1641 Worthington Road  
Suite 220  
West Palm Beach, FL 33409-6703  
cheryl\_martin@fpuc.com

Ken Rubin  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, FL 33408  
Ken.Rubin@fpl.com

Kenneth Hoffman, V.P., Regulatory  
Relations  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1858  
Ken.hoffman@fpl.com

Matthew Bernier/ Cameron L. Cooper  
106 East College Avenue Suite 800  
Tallahassee, FL 32301  
matthew.bernier@duke-energy.com

John T. Burnett/Dianne M. Triplett  
Duke Energy  
Post Office Box 14042  
St. Petersburg, FL 33733  
John.burnett@duke-energy.com  
Dianne.triplett@duke-energy.com

/s/ Jon C. Moyle  
Jon C. Moyle