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September 27, 2017

BY E-PORTAL

Ms. Carlotta Stauffer, Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: Docket No. 20170001-EI: Fuel and Purchased Power Cost Recovery Clause with
Generating Performance Incentive Factor**

Dear Ms. Stauffer:

Attached for filing, please find Florida Public Utilities Company's Preliminary Objections to the Second Set of Interrogatories and First Request for Production served by the Office of Public Counsel on the Company.

Thank you for your assistance with this filing. As always, please don't hesitate to let me know if you have any questions whatsoever.

Sincerely,



Beth Keating
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MEK
cc:/(Certificate of Service)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating
performance incentive factor.

DOCKET NO. 20170001-EI

DATED: September 27, 2017

**FLORIDA PUBLIC UTILITIES COMPANY'S
PRELIMINARY OBJECTIONS TO CITIZEN'S SECOND SET OF
INTERROGATORIES (NO. 5) AND FIRST DOCUMENT REQUEST (NO. 1)**

Florida Public Utilities Company ("FPUC" or "Company"), pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340 and 1.280, Florida Rules of Civil Procedure, hereby submits these Preliminary Objections to Citizens' Second Set of Interrogatories and First Document Request served upon FPUC by the Office of Public Counsel ("OPC") on September 22, 2017.

The objections stated herein are preliminary in nature and are made in order to comply with the 5-day requirement set forth in the Order Establishing Procedure for this Docket, Order No. PSC-2017-0053-PCO-EI, issued February 20, 2017, as modified, by Order No. PSC-2017-0134-PCO-EI. In the event FPUC identifies additional grounds for objection as it prepares its responses to the above-described requests, the Company reserves the right to supplement, revise, or modify its objections at the time it serves its responses.

GENERAL OBJECTIONS

1. FPUC objects to OPC's Second Set of Interrogatories and First Document Production Request on the grounds that they are untimely. OPC served the referenced discovery on September 22, 2017. OPC's discovery requests pertain to FPUC's actual/estimated or projection filing and testimony; therefore, the due date for FPUC's responses is October 12, 2017, consistent with the abbreviated, 20-day response time set

forth in Order No. PSC-2017-0053-PCO-EI. That same Order, clearly states, at page 3, that “Discovery shall be completed by October 6, 2017.” Since FPUC is permitted 20 days, or until October 12, to respond to OPC’s discovery requests, the responses are not due until after the discovery cut-off date identified in the Commission’s Order. As such, the requests are untimely and FPUC is not obligated to respond.

2. FPUC objects to OPC’s requests to the extent that any such request seeks information exempt from discovery by virtue of the attorney-client privilege, work product privilege, or any other applicable privilege.

3. On the grounds that such requests are irrelevant, overly broad, unduly burdensome, and oppressive, FPUC objects to each and every request seeking information from prior years outside the scope of this proceeding. Recovery approved by the Commission in the ongoing Fuel and Purchased Power proceedings for the years 2013-2015 is the subject of Final Orders of the Commission, which are not (or are no longer) subject to appeal, and the recovery for those years is not otherwise subject to ongoing review in the current-year proceeding.

4. FPUC objects to OPC’s requests to the extent that they are not likely to lead to the discovery of admissible evidence and are not relevant to the current-year’s Fuel proceeding.

5. FPUC objects to OPC’s requests to the extent that any such information has already been provided in prior Fuel proceedings to which OPC has been a party on the grounds that such information and documents are either publicly available or have otherwise been provided to OPC and thus, the production request would be unduly burdensome to reproduce.

6. FPUC objects to OPC’s requests to the extent that any requested information and

documents constitute confidential business information.

Respectfully submitted this September 27, 2017.

BY: 

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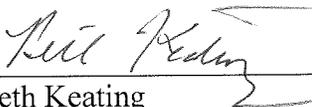
*Attorneys for Florida Public Utilities
Company*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail to the following parties of record this 27th day of September, 2017:

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