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Jonathan E. Sjostrom

September 8, 1997

**By Hand Delivery**

Blanca S. Bayó, Director  
Records and Reporting  
Florida Public Service Commission  
4075 Esplanade Way, Room 110  
Tallahassee, Florida 32399-0850

**RE: Docket No. 970410-EI**

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company (FPL) are the original and fifteen (15) copies of FPL's Objections to AmeriSteel Corporation's First Set of Interrogatories (Nos. 1-10) and AmeriSteel Corporation's First Request for Production of Documents (Nos. 1-13) in the above referenced docket.

If you or your Staff have any questions regarding this filing, please contact me

Very truly yours,



Jonathan E. Sjostrom

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TAL/21884-1

RECEIVED & FILED

DOCUMENT NUMBER DATE

09004 SEP-85

FPSC-RECORDS/REPORTING

- ACK 5
- AFA 5
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 5
- LS 5
- OT \_\_\_\_\_
- RE \_\_\_\_\_
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- WI \_\_\_\_\_
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561 650 7200  
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Kel. West  
305 577 7000  
305 577 7001 Fax

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

8091

IN RE: Proposal to Extend Plan for )  
the Recording of Certain Expenses )  
for the Years 1998 and 1999 for )  
Florida Power & Light Company )

DOCKET NO. 970410-EI  
FILED: September 8, 1997

FPL'S OBJECTIONS TO AMERISTEEL CORPORATION'S  
FIRST SET OF INTERROGATORIES (NOS.1-10) AND  
FIRST REQUEST FOR PRODUCTION (NOS. 1-13)

Florida Power & Light Company ("FPL") hereby files this its  
Objections to Ameristeel's First Set of Interrogatories (Nos.1-10)  
and First Request for Production of Documents (Nos. 1-13).

General Objection A: Confidential Information

AmeriSteel's interrogatories and requests for production are  
likely to encompass confidential, proprietary business information  
or information which is otherwise protected under section 366.093  
of the Florida Statutes and Rule 25-22.006 of the Commission's  
Rules. FPL hereby claims the fullest protections for all of its  
confidential, proprietary information and will take such steps as  
are necessary to protect such information prior to disclosure. At  
a minimum, no information considered confidential by FPL will be  
provided to AmeriSteel unless the representatives of AmeriSteel who  
will have access to the information first sign a nondisclosure  
agreement acceptable to FPL. FPL does not waive its right to seek  
a protective order to prevent disclosure of any information

DOCUMENT NUMBER DATE

09004 SEP-86

FPSC-REGULATORY/REPORTING

encompassed by these interrogatories including disclosure to AmeriSteel.

**General Objection B: Attorney Client Privilege and Work Product Doctrine**

FPL intends to assert the attorney client privilege, the work product doctrine and all other privileges and exemptions from disclosure to the fullest extent permissible under law. To the extent that AmeriSteel's interrogatories and requests for production seek information subject to such privileges and exemptions, FPL objects and will not provide such information.

**General Objection C: Unlimited Timeframe**

AmeriSteel's Requests for Production are not limited to documents produced or generated during any specific time period and are, therefore, overly broad and unduly burdensome. In order to prevent delay in these proceedings, FPL is confining each of AmeriSteel's Requests to a reasonable time under the circumstances.

**INTERROGATORIES**

**Interrogatory 1.**

For each existing generating unit owned in whole or in part by FPL and included in its rate base, please list:

- a. the expected retirement date of the unit;
- b. state whether FPL plans to expand the capacity of the unit, add emissions control equipment, alter the fuel burning capabilities of the unit, or make other significant changes to the unit in the next five (5) years (significant is defined herein as having a capital cost exceeding \$10 million);

- c. for each unit alteration described in 1(b) above, list the estimated capital cost and the projected start and completion dates:

**Objection:**

The information sought in subparagraphs b. and c. of the interrogatory is not relevant to the subject matter of the pending proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Additionally, the interrogatory may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

**Interrogatory 2.**

For each debt issue reacquired since January 1992, please:

- a. Describe the issue and the nature of the debt or obligation;
- b. The issue cost rate;
- c. The issue maturity date;
- d. The source of the funds used to reacquire the debt;
- e. The reasons for reacquiring the debt;
- f. The amount of unamortized loss on reacquired debt.

**Objection:**

No objection.

**Interrogatory 3.**

Please provide FPL's estimate of base rate revenues produced by retail sales for 1997, 1998, and 1999.

**Objection:**

The interrogatory may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

**Interrogatory 4.**

Please provide FPL's estimate of regulatory earnings, as calculated for Surveillance Report purposes, for 1997, 1998 and 1999, without approval of the Plan; please list separately FPL's estimated regulatory earnings for 1998 and 1999 if the Plan is approved as proposed.

**Objection:**

The information sought by the interrogatory is not relevant to the subject matter of the pending proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

The interrogatory may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

**Interrogatory 5.**

Please provide the amount of unamortized loss on reacquired debt as of June 30, 1997.

**Objection:**

No objection.

**Interrogatory 6.**

Please provide the amount of the reserve deficiency existing in FPL's nuclear decommissioning reserve as of June 30, 1997.

**Objection:**

FPL has not calculated the reserve deficiencies existing in its nuclear decommissioning reserves as of June 30, 1997. However, the reserve deficiencies have been calculated as of December 31, 1996 and provided in response to Staff's First Set of Interrogatories, Question No. 3. If the reserve deficiencies were calculated as of June 30, 1997, the result would not be significantly different from the amount calculated as of December 31, 1996. FPL is not required to perform calculations or analysis that do not exist in response to an interrogatory. Additionally, given the information provided in response to Staff's Interrogatory 3, the burden of providing such information is outweighed by any benefit from creating this additional information and FPL objects to the undue burden of creating such additional information.

**Interrogatory 7.**

Please provide the amount of the reserve deficiency existing in FPL's fossil dismantlement reserve as of June 30, 1997.

**Objection:**

FPL has not calculated the reserve deficiencies existing in its fossil dismantlement reserves as of June 30, 1997. However, the reserve deficiencies have been calculated as of December 31, 1996 and provided in response to Staff's First Set of Interrogatories, Question No. 3. If the reserve deficiencies were

calculated as of June 30, 1997, the result would not be significantly different from the amount calculated as of December 31, 1996. Additionally, given the information provided in response to Staff's Interrogatory 3, the burden of providing such information is outweighed by any benefit from creating this additional information and FPL objects to the undue burden of creating such additional information.

**Interrogatory 8.**

Please provide the amount of expected additional retail expense, as defined in Order No. PSC-96-0461-FOF-EI and Order No. PSC-97-0499-FOF-EI, for 1997, 1998 and 1999.

**Objection:**

The interrogatory may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

**Interrogatory 9.**

The Plan seeks to accelerate the rate of recovery of certain expenses over and above the non-Plan recovery levels for 1998 and 1999. Please provide the forecasted non-Plan recovery levels (i.e., the level of recovery without the Plan) for each of the expense categories 1-6 listed in the Plan, for 1998 and 1999.

**Objection:**

The interrogatory may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida

Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

**Interrogatory 10.**

Provide a forecast of FPL's income taxes for 1998 and 1999:

- a. Without approval of the Plan; and
- b. With approval of the Plan

Provide supporting detailed work papers.

**Objection:**

The information sought in interrogatory 10 is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Additionally, the interrogatory may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

The interrogatory is unduly burdensome and overly broad.



## REQUEST FOR PRODUCTION

### Request 1.

Please provide any studies, analyses, or reports prepared for or by FPL or relied on by FPL that address the level or amount of competition expected to be faced by FPL in Florida within the next ten (10) years.

### Objection:

The information sought by this request is not relevant to the subject matter of the pending proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Additionally, this Request may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

This Request may encompass material protected by the attorney client privilege, the work product doctrine or other privileges or exemptions from disclosure. Therefore, FPL incorporates General Objection B, set forth fully above.

Additionally, the phrases "relied on by FPL" and "level or amount of competition" are vague and undefined. For example, FPL personnel subscribe to various periodicals and newspapers many of which contain discussions of potential competition in the electric utility industry. To the extent that the request could be broadly construed, production would impose an undue burden and FPL objects on that basis.

This Request is unlimited by time frame. Therefore, FPL incorporates General Objection C, set forth fully above.

**Request 2.**

Please provide any studies, analyses, or reports prepared for or by FPL or relied on by FPL that indicate a competitor can produce, or is expected to produce, electricity in Florida below FPL's cost of production.

**Objection:**

The information sought by this request is not relevant to the subject matter of the pending proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Additionally, this Request may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

This Request may encompass material protected by the attorney client privilege, the work product doctrine or other privileges or exemptions from disclosure. Therefore, FPL incorporates General Objection B, set forth fully above.

Additionally, the phrase "relied on by FPL" and the terms "indicate" and "competitor," as used here, are vague and undefined and FPL is uncertain of the intended meaning. For example, FPL personnel subscribe to various periodicals and newspapers many of which contain discussions of potential competition and the relative capabilities of various potential competitors in the electric

utility industry. To the extent that the request could be broadly construed, production would impose an undue burden and FPL objects on that basis.

This Request is unlimited by time frame. Therefore, FPL incorporates General Objection C, set forth fully above.

**Request 3.**

Please provide any studies, analyses, or reports prepared for or by FPL or relied on by FPL that indicate a competitor could sell, or is expected to sell, electricity to FPL customers at prices below FPL's prices.

**Objection:**

The information sought by this request is not relevant to the subject matter of the pending proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Additionally, this Request may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

This Request may encompass material protected by the attorney client privilege, the work product doctrine or other privileges or exemptions from disclosure. Therefore, FPL incorporates General Objection B, set forth fully above.

Additionally, the phrase "relied on by FPL" and the terms "indicate" and "competitor," as used here, are vague and undefined and FPL is uncertain of the intended meaning. For example, FPL

personnel subscribe to various periodicals and newspapers many of which contain discussions of potential competition and the relative capabilities of various potential competitors in the electric utility industry. To the extent that the request could be broadly construed, production would impose an undue burden and FPL objects on that basis.

This Request is unlimited by time frame. Therefore, FPL incorporates General Objection C, set forth fully above.

**Request 4.**

Please provide any studies, analyses, or reports prepared for or by FPL or relied on by FPL that indicate plans, if any, by FPL to retire, mothball, decommission, sell, spin off, or otherwise remove from rate base, any existing generation assets.

**Objection:**

This Request may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

This Request may encompass material protected by the attorney client privilege, the work product doctrine or other privileges or exemptions from disclosure. Therefore, FPL incorporates General Objection B, set forth fully above.

This Request is unlimited by time frame. Therefore, FPL incorporates General Objection C, set forth fully above.

**Request 5.**

Please provide any forecasts, studies, analyses or reports prepared by or for FPL of FPL's forecasted base rate revenues for the calendar years 1997, 1998 and 1999.

**Objection:**

This Request may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

This Request may encompass material protected by the attorney client privilege, the work product doctrine or other privileges or exemptions from disclosure. Therefore, FPL incorporates General Objection B, set forth fully above.

This Request is unlimited by time frame. Therefore, FPL incorporates General Objection C, set forth fully above.

**Request 6.**

Please provide any studies, analyses, reports or other documents prepared by or for FPL concerning FPL's actual base rate revenues for 1997 to date.

**Objection:**

This Request is unlimited by time frame. Therefore, FPL incorporates General Objection C, set forth fully above.

**Request 7.**

Please provide any studies, analyses, or reports prepared by or for FPL of forecasted changes in electric sales and number of customer accounts, by class, for the years 1997, 1998 and 1999.

**Objection:**

The information sought by this request is not relevant to the subject matter of the pending proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Additionally, this Request may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

This Request may encompass material protected by the attorney client privilege, the work product doctrine or other privileges or exemptions from disclosure. Therefore, FPL incorporates General Objection B, set forth fully above.

This Request is unlimited by time frame. Therefore, FPL incorporates General Objection C, set forth fully above.

**Request 8.**

Please provide any studies, analyses, or reports or other documents prepared by or for FPL, or relied on by FPL regarding projected retirement or dismantlement dates for each existing generating unit owned, wholly or in part, by FPL.

**Objection:**

This Request may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

This Request may encompass material protected by the attorney client privilege, the work product doctrine or other privileges or exemptions from disclosure. Therefore, FPL incorporates General Objection B, set forth fully above.

This Request is unlimited by time frame. Therefore, FPL incorporates General Objection C, set forth fully above.

**Request 9.**

Please provide any studies, analyses, or reports or other documents prepared by or for FPL, or relied on by FPL, or in FPL's possession, addressing the expected market value of existing FPL generation plant.

**Objection:**

The information sought by this request is not relevant to the subject matter of the pending proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Additionally, this Request may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

This Request may encompass material protected by the attorney client privilege, the work product doctrine or other privileges or exemptions from disclosure. Therefore, FPL incorporates General Objection B, set forth fully above.

This Request is unlimited by time frame. Therefore, FPL incorporates General Objection C, set forth fully above.

**Request 10.**

Please provide any studies, analyses, or reports prepared for or by FPL or relied on by FPL to justify the reacquisition of debt in the amounts reacquired.

**Objection:**

This Request may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

This Request may encompass material protected by the attorney client privilege, the work product doctrine or other privileges or exemptions from disclosure. Therefore, FPL incorporates General Objection B, set forth fully above.

This Request is unlimited by time frame. Therefore, FPL incorporates General Objection C, set forth fully above.

**Request 11.**

Please provide any reports, letters, memorandums, handouts, or presentation materials provided to investment bankers, equity analysts, underwriters, or rating agency personnel regarding the "Proposal To Extend Plan For Recording Of Certain Expenses For Years 1998 and 1999 For Florida Power And Light Company" (whether referenced specifically, as part of accelerated asset recovery, or in any other fashion).

**Objection:**

This Request may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and



Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

This Request is unlimited by time frame. Therefore, FPL incorporates General Objection C, set forth fully above.

**Request 12.**

Please provide any studies, analyses, or reports prepared for or by FPL or relied on by FPL to justify its current capital structure.

**Objection:**

The information sought by this request is not relevant to the subject matter of the pending proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Additionally, this Request may encompass confidential, proprietary business information pursuant to section 366.093 of the Florida Statutes and Rule 25-22.006 of the Commission's Rules. Therefore, FPL incorporates General Objection A, set forth fully above.

This Request may encompass material protected by the attorney client privilege, the work product doctrine or other privileges or exemptions from disclosure. Therefore, FPL incorporates General Objection B, set forth fully above.

This Request is unlimited by time frame. Therefore, FPL incorporates General Objection C, set forth fully above.

**Request 13.**

Please provide FPL's Earnings surveillance reports for 1997.

**Objection:**

No objection.

DATED this 8th day of September, 1997.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP  
Suite 601  
215 South Monroe Street  
Tallahassee, FL 32301  
Attorneys for Florida Power  
& Light Company

By: 

Jonathan E. Siostrom

**CERTIFICATE OF SERVICE  
DOCKET NO. 970410-EI**

I **HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Objections to Ameristeel's First Set of Interrogatories (Nos. 1-10) and First Request for Production (Nos. 1-13) has been furnished by Hand Delivery (\*), or Facsimile and U.S. Mail this 8th day of September, 1997, to the following:


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