

Ruth Nettles

From: Leon, Jack [Jack.Leon@fpl.com]
Sent: Wednesday, July 29, 2009 2:55 PM
To: Filings@psc.state.fl.us
Cc: Butler, John; Cano, Jessica; Goorland, Scott
Subject: FPL's Notice of Service of Objections to Staff's 11th Set of Interrogatories (Nos. 184-207) & 6th Request for Production of Documents (Nos. 56-60) - Docket No. 080677-EI
Attachments: FPL's Notice of Service of Objections to Staff's 11th Set of Interrogatories (Nos. 184-207) & 6th Request for Production of Documents (Nos. 56-60)_7-29-09.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 080677-EI

In re: Petition for rate increase by
Florida Power & Light Company

c. Documents are being filed on behalf of Florida Power & Light Company.

d. There are a total of 3 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Notice of Service of Objections to Staff's 11th Set of Interrogatories (Nos. 184-207) & 6th Request for Production of Documents (Nos. 56-60).

Thank you for your attention and cooperation to this request.

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DOCUMENT NUMBER-DATE

07761 JUL 29 8

7/29/2009

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for increase in rates by) Docket No. 080677-EI
Florida Power & Light Company)
)
In Re: 2009 depreciation and dismantlement) Docket No. 090130-EI
study by Florida Power & Light Company)
)
_____) Served: July 29, 2009

**FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS TO
STAFF'S ELEVENTH SET OF INTERROGATORIES (NOS. 184-207) AND
SIXTH REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 56-60)**

Florida Power & Light Company ("FPL"), pursuant to Rules 1.340 and 1.350, Florida Rules of Civil Procedure, and Rule 28-106.206, Florida Administrative Code, submits the following objections the Staff of the Florida Public Service Commission's ("Staff's") Eleventh Set of Interrogatories (Nos. 184-207) and Sixth Request for Production of Documents (Nos. 56-60) in Docket No. 080677-EI.

I. Preliminary Nature of These Objections

FPL's objections stated herein are preliminary in nature. FPL is furnishing its objections consistent with the time frame set forth in the Commission's Order Establishing Procedure, Order No. PSC-09-0159-PCO-EI dated March 20, 2009, and Rule 1.190(e), Florida Rules of Civil Procedure. Should additional grounds for objection be discovered as FPL develops its responses, FPL reserves the right to supplement or modify its objections up to the time it serves its responses. Should FPL determine that a protective order is necessary regarding any of the information requested of FPL, FPL reserves the right to file a motion with the Commission seeking such an order at the time its response is due.

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FPSC-COMMISSION CLERK

II. General Objections

FPL objects to each and every discovery request that 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. FPL in no way intends to waive any such privilege or protection. The nature of the document(s), if any, will be described in a privilege log prepared and provided by FPL.

In certain circumstances, FPL may determine, upon investigation and analysis, that information responsive to certain discovery requests to which objections are not otherwise asserted is confidential and proprietary and should not be produced without provisions in place to protect the confidentiality of the information, if at all. By agreeing to provide such information in response to such request, FPL is not waiving its right to insist upon appropriate protection of confidentiality by means of a protective order or other action to protect the confidential information requested. FPL asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

FPL is a large corporation with employees located in many different locations. In the course of its business, FPL creates numerous documents that are not subject to Florida Public Service Commission or other governmental record retention requirements. These documents are kept in numerous locations and frequently are moved from site to site as employees change jobs or as business is reorganized. Therefore, it is possible that not every relevant document may have been consulted in developing FPL's responses to the discovery requests. Rather, these

responses provide all the information that FPL obtained after a reasonable and diligent search conducted in connection with these discovery requests. To the extent that the discovery requests propose to require more, FPL objects on the grounds that compliance would impose an undue burden or expense on FPL.

FPL 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.

FPL objects to each and every discovery 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 FPL will be provided subject to, and without waiver of, the foregoing objection.

FPL also objects to each and every discovery request to the extent it calls for FPL to prepare information in a particular format or perform calculations or analyses not previously prepared or performed as purporting to expand FPL's obligations under applicable law.

FPL objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available to the requesting Party through normal procedures.

FPL objects to each and every discovery request that calls for the production of documents and/or disclosure of information from FPL Group, Inc. and any subsidiaries and/or affiliates of FPL Group, Inc. that do not deal with transactions or cost allocations between FPL and either FPL Group, Inc. or any subsidiaries and/or affiliates. Such documents and/or information do not affect FPL's rates or cost of service to FPL's customers. Therefore, those documents and/or information are irrelevant and not reasonably calculated to lead to the

discovery of admissible evidence. Furthermore, FPL is the party appearing before the Florida Public Service Commission in this docket. To require any non-regulated entities to participate in irrelevant discovery is by its very nature unduly burdensome and overbroad. Subject to, and without waiving, any other objections, FPL will respond to the extent the request pertains to FPL and FPL's rates or cost of service charged to FPL's customers. To the extent any responsive documents contain irrelevant affiliate information as well as information related to FPL and FPL's rates or cost of service charged to its customers, FPL may redact the irrelevant affiliate information from the responsive document(s).

FPL objects to any production location other than the location established by FPL, at Rutledge, Ecenia & Purnell, P.A., 119 South Monroe Street, Suite 202, Tallahassee, Florida.

FPL objects to each and every discovery request and any instructions that purport to expand FPL's obligations under applicable law.

In addition, FPL reserves its right to count discovery requests and their sub-parts, as permitted under the applicable rules of procedure, in determining whether it is obligated to respond to additional requests served by any party.

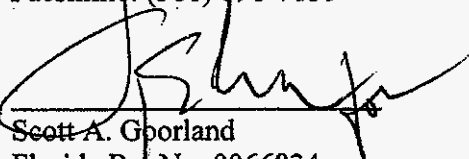
FPL expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity or relevancy of the information provided in its responses.

Notwithstanding any of the foregoing general objections and without waiving these objections, FPL intends in good faith to respond to Staff's discovery requests.

Respectfully submitted this 29th day of July, 2009.

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By:


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and by United States Mail this 29th day of July, 2009, to the following:

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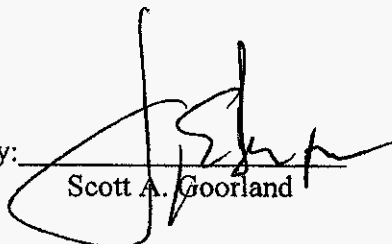
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