

Ruth Nettles

From: ROBERTS.BRENDA [ROBERTS.BRENDA@leg.state.fl.us]
Sent: Wednesday, August 05, 2009 1:44 PM
To: Filings@psc.state.fl.us
Cc: Anna Williams; Brian Armstrong; Bryan Anderson; cecilia_bradley@oag.state.fl.us; D. Marcus Braswell ; Jack Leon; Jean Hartman; Jennifer L. Spina; John McWhirter; John Moyle; John_Butler@fpl.com; John T. LaVia; Ken Hoffman; Kenneth L. Wiseman; Lisa Bennett; Lisa M. Purdy; Mark F. Sundback; Marlene Stern; Martha Brown; Natalie F. Smith (Natie_Smith@fpl.com); Schef Wright; Scott E. Simpson; Shayla L. McNeil; Stephanie Alexander; Tamela Ivey Perdue; support@saporitoenergyconsultants.com; vkaufman@kagmlaw.com; Wade Litchfield
Subject: e-filing, Dkt. No. 080677-EI & 090130-EI
Attachments: 080677 OPC Initial Objections to FPL 3rd INT and POD.sversion.doc

Electronic Filing

a. Person responsible for this electronic filing:

Joseph A. McGlothlin, Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330
mcglothlin.joseph@leg.state.fl.us

b. Docket Nos. 080677-EI and 090130-EI

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

In re: 2009 depreciation and dismantlement study by Florida Power & Light Company.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 6 pages.

e. The document attached for electronic filing is Citizen's Initial Objections to Florida Power and Light Company's Third Set of Interrogatories (Nos. 15-16) and Third Request for Production of Documents (Nos. 16-23).

(See attached file: 080677 OPC Initial Objections to FPL 3rd INT and POD.sversion.doc)

Thank you for your attention and cooperation to this request.

Brenda S. Roberts
Office of Public Counsel
Telephone: (850) 488-9330
Fax: (850) 488-4491

DOCUMENT NUMBER-DATE
08050 AUG-5 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Florida Power & Light Company.

Docket No. 080677-EI

In re: 2009 Depreciation and Dismantlement Study by Florida Power & Light Company.

Docket No. 090130-EI
Filed August 5, 2009

**CITIZENS' INITIAL OBJECTIONS TO
FLORIDA POWER AND LIGHT COMPANY'S
THIRD SET OF INTERROGATORIES (Nos. 15-16) AND
THIRD REQUEST FOR PRODUCTION OF DOCUMENTS (Nos. 16-23)**

Pursuant to Order PSC-09-0159-PCO-EI issued March 20, 2009, the Citizens of Florida, through the Office of Public Counsel (OPC), serve these initial objections to Florida Power and Light Company's Third Set of Interrogatories (Nos. 15-16) and Second Request for Documents (Nos. 16-23) (together, "discovery requests") to the Office of Public Counsel dated July 22, 2009.

I. 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.

OPC 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, or any other applicable privilege or protection afforded by law.

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

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OPC objects to any production locations other than OPC's Offices at 111 West Madison Street, Room 812, Tallahassee, Florida.

OPC 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.

OPC 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.

OPC objects 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.

OPC objects to any discovery request that calls for the creation of information as opposed to the reporting of presently existing information as purporting to expand OPC's obligation under the law. The Florida Rules of Civil Procedure require OPC to produce only responsive documents "that are in the possession, custody or control" of OPC. There is no obligation to create documents, records, or information that does not exist at the time of the request.

OPC 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 FPL through normal procedures.

OPC 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 answers to the interrogatories and requests for documents.

OPC objects to FPL's instruction to produce a printout of a requested document if the document is on computer or word processing disc. That instruction is burdensome. OPC will produce either electronic or printed copies of documents.

II. Additional Specific Objections

The OPC objects to Production of Document request 16 for OPC Sheree L. Brown, subpart F on the grounds that the request is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.

The OPC objects to Production of Document request 16 for OPC witness J. Randall Woolridge, subpart F on the grounds that the request is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.

The OPC objects to Production of Document request 16 for OPC witness Jacob Pous, subpart F on the grounds that the request is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.

The OPC objects to Production of Document request 16 for OPC witness Daniel Lawton, subpart F on the grounds that the request is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.

The OPC objects to Production of Document request 16 for OPC witness Kimberly H. Dismuke, subpart F on the grounds that the request is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.

s/ Joseph A. McGlothlin
Joseph A. McGlothlin
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

Attorney for Florida's Citizens
Of the State of Florida

CERTIFICATE OF SERVICE
DOCKETS NOS. 080677-EI and 090130-EI

I HEREBY CERTIFY that a copy of the foregoing **CITIZENS' INITIAL OBJECTIONS TO FLORIDA POWER AND LIGHT COMPANY'S THIRD SET OF INTERROGATORIES (Nos. 15-16) AND THIRD REQUEST FOR PRODUCTIONS OF DOCUMENTS (Nos. 16-23)** has been furnished by electronic mail and U.S. mail to the following parties on this 5th day of August, 2009 to the following:

R. Wade Litchfield
Florida Power & Light
Company
215 South Monroe Street,
Suite 810
Tallahassee, FL 32301-1859

Robert A. Sugarman/
D. Marcus Braswell, Jr.
Sugarman & Susskind, P.A.
100 Miracle Mile, Suite 300
Coral Gables, FL 33134

John W. McWhirter, Jr.
Florida Industrial Powers Users
Group
c/o McWhirter Law Firm
P.O. Box 3350
Tampa, FL 33601

John T. Butler
Florida Power & Light
Company
700 Universe Blvd
Juno Beach, FL 33408-0420

Bryan S. Anderson
Senior Attorney
Florida Power & Light
Company
700 Universe Blvd
Juno Beach, FL 33408-0420

Vicki Gordon Kaufman/
Jon C. Moyle Jr.
Keefe Law Firm
118 North Gadsden Street
Tallahassee, FL 32399-1050

Anna Williams/Jean
Hartman/
Lisa Bennett/Martha Brown
Office of General Counsel
2540 Shumard Oak Blvd
Tallahassee, FL 32399

Kenneth L. Wiseman,
Mark F. Sundback
Jennifer L. Spina, Lisa M.
Purdy
Andrews Kurth LLP
1350 I Street NW, Suite 1100
Washington, DC 20005

South Florida Hospital and
Healthcare Association
6030 Hollywood Blvd
Hollywood, FL 33024

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Young van Assenderp, P.A.
225 South Adams Street, Ste
200
Tallahassee, FL 32301

Brian P. Armstrong/
Marlene K. Stern
c/o Nabors Law Firm
1500 Mahan Drive, Ste 200
Tallahassee, FL 32308

Thomas Saporito
P.O. Box 8413
Jupiter, FL 33465

Bill McCollum/Cecilia Bradley
Office of Attorney General
The Capitol -- PL01
Tallahassee, FL 32399-1050

Stephanie Alexander, Esq.
Tripp Scott, Pa
200 West College Avenue,
Suite 216
Tallahassee, Florida 32301
sda@trippscott.com

Tamela Ivey Perdue, Esq.
Associated Industries of Florida
516 North Adams Street
Tallahassee, FL 32301
tperdue@aif.com

Captain Shayla L. McNeill
139 Barnes Ave, Suite 1
Tyndall AFB, FL 32403

s/ Joseph A. McGlothlin
Joseph A. McGlothlin
Associate Public Counsel