

Ruth Nettles

090505-EI

From: ROBERTS.BRENDA [ROBERTS.BRENDA@leg.state.fl.us]
Sent: Friday, March 05, 2010 2:31 PM
To: Filings@psc.state.fl.us
Cc: cecilia_bradley@oag.state.fl.us; John Moyle; John T. Butler (John.Butler@fpl.com); Ken Hoffman; Lisa Bennett; Vickie Gordon Kaufman (vkaufman@kagmlaw.com); Wade Litchfield
Subject: e-filing (Dkt. No. 090505-EI)
Attachments: 090505 OPC Response to FPL Notice of Deposition Duces Tecum.sversion.doc

Electronic Filing

a. Person responsible for this electronic filing:

Charlie Beck, Deputy Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330
beck.charles@leg.state.fl.us

b. Docket No. 090505-EI

In re: Review of replacement fuel costs associated with the February 26, 2008 outage on Florida Power & Light Company's electrical system.

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

d. There are a total of 4 pages.

e. The document attached for electronic filing is Citizens' Responses and Objections to FPL's Notice of Taking Telephonic Deposition Duces Tecum.

(See attached file: 090505 OPC Response to FPL Notice of Deposition Duces Tecum.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
01549 MAR-5 2010
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of Replacement Fuel Costs)
Associated with the February 26, 2008 outage)
On Florida Power & Light's electrical system)
_____)

Docket No. 090505-EI

Filed March 5, 2010

**CITIZENS' RESPONSES AND OBJECTIONS TO FPL'S NOTICE OF TAKING
TELEPHONIC DEPOSITION DUCES TECUM**

The Citizens of Florida (Citizens), through the Office of Public Counsel, file these responses and objections to FPL's Notice of Taking Telephonic Deposition Ducus Tecum served on February 26, 2010.

OBJECTIONS

Citizens object to FPL's instruction to produce documents a reasonable amount of time before a deposition scheduled for Monday, March 8. The Order on Prehearing Procedure allows parties twenty days to respond to requests for production of documents. FPL's requested date for production of documents is far shorter. The full twenty day response time would require the documents to be produced by no later than the close of business on Thursday, March 18 (the second day of the two day hearing in this case) and would fall well after the deadline for discovery has expired.

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 and not with any of FPL's definitions or instructions that are inconsistent with those rules.

DOCUMENT NUMBER-DATE

01549 MAR-5 2010

FPSC-COMMISSION CLERK

Citizens object to each and every 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 Citizens are provided subject to, and without waiver of, the foregoing objection.

Citizens also object 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.

Citizens generally object to any request that calls for information prepared in anticipation of litigation or hearing, for data or 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.

Citizens reserve the right to supplement any of its responses if Citizens cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if Citizens later discover additional responsive information in the course of this proceeding. By making these general objections at this time, Citizens do not waive or relinquish its right to assert additional general and specific objections to FPL's discovery.

By making these responses herein, Citizens do not concede that any request is relevant to this action or is reasonably calculated to lead to the discovery of admissible evidence. Citizens expressly reserve the right to object to further discovery into the subject matter of any of these requests, to the

introduction of evidence of any response or portion thereof, and to supplement its responses should further investigation disclose responsive information.

Citizens object to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available through normal procedures.

In responding to these Requests, Citizens do not waive the foregoing objections.

Responses

Subject to the foregoing general objections, Citizens provide the following responses:

Document Request 1. Responsive documents bate stamped
OPC000001 through OPC000429 will be provided electronically.

Document Request 2. There are no responsive documents.

Document Request 3. Dr. Dismukes has no responsive documents.

s/ Charlie Beck
Charlie Beck
Deputy Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Citizens' Responses and Objections to FPL's Notice of Taking Telephonic Deposition Duces Tecum has been furnished by electronically and by U.S. mail on this 5th day of March, 2010, to the following persons:

Lisa Bennett
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Cecilia Bradley
Office of Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050

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

Kenneth A. Hoffman
Florida Power & Light Company
215 South Monroe St., Suite 810
Tallahassee, FL 32301-1858

Vicki Gordon Kaufman
Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, FL 32301

s/ Charlie Beck
Charlie Beck
Deputy Public Counsel