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**Subject:** Docket No. 120015-EI

**Attachments:** FIPUG Objections to FPL 1st ROGs & PODs 7.5.12.pdf

**HERE IS THE TEMPLATE:**

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

a. The name, address, telephone number and email for the person responsible for the filing is:

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b. This filing is made in Docket No. 120015-EI.

c. The document is filed on behalf of Florida Industrial Power Users Group.

d. The total pages in the document are 5 pages.

e. The attached document is THE FLORIDA INDUSTRIAL POWER USERS GROUP'S OBJECTIONS TO FLORIDA POWER AND LIGHT COMPANY'S FIRST SET OF INTERROGATORIES (NOS. 1-3) AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 1).

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7/5/2012

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

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Docket No: 120015-EI

Filed: July 5, 2012

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S  
OBJECTIONS TO FLORIDA POWER AND LIGHT COMPANY'S  
FIRST SET OF INTERROGATORIES (NOS. 1-3) AND  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 1)**

Pursuant to Order No. PSC- 12-0143-PCO-EI, the Florida Industrial Power Users Group (FIPUG) submits the following Objections to Florida Power & Light Company's (FPL) First Set of Interrogatories (Nos. 1-3) and First Request for Production of Documents (No. 1).

**I. General Objections.**

FIPUG asserts the following general objections to FPL's First Set of Interrogatories (Nos. 1-3) and First Request for Production of Documents (No. 1). Each of FIPUG's objections will be subject to and qualified by these general objections:

1. FIPUG objects to each and every individual discovery request, to the extent it 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. FIPUG in no way intends to waive any such privilege or protection.

2. FIPUG objects to each individual request to the extent it requires production of information that is proprietary, confidential business information without provisions in place to

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protect the confidentiality of the information. FIPUG in no way intends to waive claims of confidentiality.

3. FIPUG objects to any definitions or instructions accompanying the discovery requests to the extent that they are inconsistent with and expand the scope of discovery specified in the Florida Rules of Civil Procedure that are incorporated into the Model Rules of Procedure or the Commission's rules on discovery. If some question arises as to FIPUG's discovery obligations, FIPUG will comply with applicable rules and not with any of the definitions or instructions accompanying the discovery requests that are inconsistent with or exceed the requirements of those rules. Furthermore, FIPUG objects to any discovery request that calls for FIPUG to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

4. FIPUG objects to any definition or instruction in any discovery request that seeks interrogatory answers containing information from persons or entities who are not parties to this proceeding or that are not subject to discovery under applicable rules.

5. It is possible that not every relevant document may have been reviewed or considered in developing FIPUG's responses to the discovery requests. Rather, FIPUG will provide all the information that FIPUG obtained after a good faith, reasonable and diligent search conducted in connection with these discovery requests. To the extent that the discovery requests propose to require more, FIPUG objects to the requests individually and collectively on the grounds that compliance would impose an undue burden or expense on FIPUG.

6. FIPUG 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.

7. FIPUG objects to each and every discovery request to the extent it is vague, ambiguous, overly broad, burdensome, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests.

8. FIPUG expressly reserves and does not waive any objections it may have to the admissibility, authenticity or relevancy of the information provided in its responses to the subject discovery requests.

9. FIPUG objects to each and every request to the extent it seeks information for periods back to 1999 or earlier. Such information is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, research about and collection of such information would be unduly burdensome.

10. FIPUG objects to any request that requires the creation of new data, documents or studies.

11. FIPUG objects to providing information already in the public record, that is as easily accessible to FPL as to FIPUG, or that is already in FPL's possession.

12. FIPUG objects to every discovery request to the extent the information sought constitutes "trade secrets" which are privileged pursuant to sections 90.506 and 366.093(3)(a), Florida Statutes.

## **II. Specific Objections — First Set of Interrogatories (Nos. 1-3)**

### **INTERROGATORIES**

13. FIPUG specifically objects to Interrogatory No. 3 which requires the identification of "each document" relied upon by a witness. This request is overbroad as

FIPUG's witness has many years of experience in utility analysis and it would be impossible for him to identify "each" document upon which he may have relied.

s/ Vicki Gordon Kaufman

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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing The Florida Industrial Power Users Group's Objections to Florida Power and Light Company's First Set of Interrogatories (Nos. 1-3) and First Request For Production of Documents (No. 1) has been furnished by electronic mail and U.S. Mail this 5<sup>th</sup> day of July 2012, to the following:

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