

Eric Fryson

From: Davis, Phyllis [DAVIS.PHYLLIS@leg.state.fl.us]
Sent: Tuesday, July 24, 2012 12:57 PM
To: Filings@psc.state.fl.us
Cc: Christensen, Patty; Mcglothlin, Joseph; Merchant, Tricia; 'Brian P. Armstrong, Esq.'; Caroline Klancke; 'Charles Milsted'; 'Dan Larson'; 'John Moyle (jmoyle@moylelaw.com)'; 'John T. Butler (John.Butler@fpl.com)'; 'John T. LaVia (jlavia@gbwlegal.com)'; 'John W. Hendricks'; Keino Young; 'Ken Hoffman (Ken.Hoffman@fpl.com)'; 'Kenneth L. Wiseman'; 'Larry Nelson'; 'Linda S. Quick'; 'Lisa M. Purdy'; 'Mark F. Sundback'; 'Patrick Ahlm'; 'Paul Woods'; 'Peter Ripley'; 'Qyang Ha'; 'Schef Wright (schef@gbwlegal.com)'; 'Thomas Saporito'; 'Vickie Gordon Kaufman (vkaufman@moylelaw.com)'; 'W. Rappolt'; 'Wade Litchfield'; 'White, Karen'; 'William C. Garner, Esq.'
Subject: Electronic Filing - Docket No. 120015-EI - OPC's Objections to FPL's 5TH POD's
Attachments: Citizens' Objections to FPL 5nd POD's Nos. 18-23.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Patricia A. Christensen, 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
CHRISTENSEN.PATTY@leg.state.fl.us

b. Docket No. 120015-EI

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

c. Documents being filed on behalf of the Office of Public Counsel

d. There are a total of 6 pages.

e. The document attached for electronic filing is: Citizens' Objections to FPL's 5th Set of POD's (Nos. 18-23)

Thank you for your attention and cooperation to this request.

Phyllis W. Philip-Guide
Assistant to Patricia A. Christensen
Office of Public Counsel
Phone #: 488-9330
Fax#: 487-6419

RECEIVED

DOCUMENT NUMBER-DATE

04955 JUL 24 2012

FPSC-COMMISSION CLERK

7/24/2012

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 120015-EI

Filed: July 24, 2012

**CITIZENS' OBJECTIONS TO FLORIDA POWER AND LIGHT'S FIFTH SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
(NO. 18-23)**

Office of Public Counsel, ("Citizens"), by the requirements set forth in the Commission Order No. PSC-12-0143-PCO-EI, Rule 28-106-206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure, submit the following response to the Fifth Set of Requests for Documents (No. 18-23) propounded by Florida Power and Light (FPL) on July 9, 2012.

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 and not with any of the definitions or instructions that are inconsistent with those rules.

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.

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FPSC-COMMISSION CLERK

Citizens object to the extent any discovery request is unduly burdensome. Citizens further object to any requests that would require Citizens and/or its consultants to perform a new study or analysis.

Citizens generally object to any request that calls for data or information protected by the attorney-client privilege, the work product privilege, 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 to FPL through normal procedures.

In responding to these Requests, Citizens do not waive the foregoing objections, or the specific objections that are set forth in the responses to particular requests.

ADDITIONAL SPECIFIC OBJECTIONS

In addition to the general objections which apply to every interrogatory, Citizens provide the following objections to specific interrogatories:

DOCUMENTS REQUESTED

18. Regarding OPC Witness Lawton’s testimony at page 6, lines 1-10, please provide all research, documents and analyses that support the statement that management performance has little to do with cost structure.

RESPONSE: Citizens specifically object to this request based on the grounds that it is imprecise and a mischaracterization of the witness’ testimony. Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens’ attention during the preparation of the discovery.

19. Regarding OPC Witness Lawton’s testimony at page 7, lines 6-9, please provide copies of the legal and/or regulatory support for the statement that regulated utilities, “have a duty to provide superior performance”

RESPONSE: Citizens have no specific objection at this time. However, Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens’ attention during the preparation of the discovery.

20. Regarding OPC Witness Lawton’s testimony at page 7, lines 11-12, please provide copies of the legal and/or regulatory support for the statement that “efforts to keep rates as low as possible are part and parcel of FPL’s obligation to serve.”

RESPONSE: Citizens have no specific objection at this time. However, Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens’ attention during the preparation of the discovery.

21. Regarding Mr. Lawton’s testimony at page 9, please provide copies of all studies, analyses and documentation supporting his statement that “[c]urrent bonus depreciation impacts on cash flow will cause the rating agencies to focus more on earnings such as earnings before interest, taxes, depreciation and amortization (“EBITDA”) metrics, rather than pure cash flow measures which are temporarily influenced by current tax law impacts.” As part of your response, please include:

- a. All documents, analyses and studies Witness Lawton relied upon that relate the temporary nature of the current tax laws.

RESPONSE: Citizens specifically object to this request based on the grounds that it is imprecise and a mischaracterization of the witness’ testimony. Citizens reserve

the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

- b. All studies, documents and analyses demonstrating that rating agencies are or will be more focused on EBITDA and not pure cash flow

RESPONSE: Citizens have no specific objection at this time. However, Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

22. Regarding OPC Witness Lawton, please provide copies of all studies, analyses and documents that support his position that a 50/50 debt to capital structure maintains a low leverage profile.

RESPONSE: Citizens specifically object to this request based on the grounds that it is imprecise and a mischaracterization of the witness' testimony. Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

23. Regarding OPC Witness Lawton, please provide any and all studies, analysis and documents that indicate that a 9.0% ROE is regarded as a strong financial metric for any regulated utility.

RESPONSE: Citizens specifically object to this request based on the grounds that it is imprecise and a mischaracterization of the witness' testimony. Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.



Patricia A. Christensen
Associate Public Counsel

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

(850) 488-9330
Attorney for Florida's Citizens

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by e-mail and

U.S. Mail this 24th day of July, 2012 to:

Caroline Klancke
Keino Young
Florida Public Service Commission
Division of Legal Service
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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

Ken Hoffman
R. Wade Litchfield
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1858

Kenneth L. Wiseman
Mark F. Sundback
J. Peter Ripley
Andrew Kurth LLP
1350 I Street, NW, Suite 1100
Washington, DC 20005

Daniel R. and Alexandria Larson
06933 W. Harlena Drive
Loxahatchee, FL 33470

Charles Milsted
Associate State Director
200 West College Avenue
Tallahassee, FL 32301

Vickie Gordon Kaufman
Jon C. Moyle
c/o Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301

Robert Scheffel Wright
John T. LaVia
Gardner Law Firm
1300 Thomaswood Drive
Tallahassee, FL 32308

Karen White
Federal Executive Agencies
c/o AFLOA/JACL-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403

Thomas Saporito
6701 Mallards Cove Rd., Apt. 28H
Jupiter, Florida 33458

John W. Hendricks
367 S. Shore Drive
Sarasota, FL 34234

Linda S. Quick, President
South Florida Hospital and
Healthcare Association
6030 Hollywood Blvd., Suite 140
Hollywood, FL 33024

Quang Ha, Paul Wood, Patrick Ahlm
Algenol Biofuels, Inc,
28100 Bonita Grande Drive, Suite 200
Bonita Springs, FL 24135

Larry Nelson
312 Roberts Road
Nokomis, Florida 34275

William C. Garner, Esq.
Brian P. Armstrong, Esq.
Nabors, Giblin & Nickerson, P.A.,
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308



Patricia A. Christensen
Associate Public Counsel