

State of Florida



Public Service Commission

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COMMISSION CLERK

DATE: November 6, 2015
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Kelley F. Corbari, Senior Attorney, Office of the General Counsel *KFC*
RE: **Docket No. 150196-EI** – Petition for determination of need for Okeechobee Clean Energy Center Unit 1, by Florida Power & Light Company.

Attached please find correspondence from FIPUG counsel to Staff notifying Staff that FIPUG was unable to locate documents responsive to Staff's First Request for Production of Documents propounded to FIPUG on October 26, 2015.

Please file the attached communication in the documents tab of the docket file, and reference Document No. 06845-15.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

KFC

Kelley Corbari

From: Kelley Corbari
Sent: Sunday, November 08, 2015 11:57 AM
To: 'Jon Moyle'
Cc: Leslie Ames; Karen A. Putnal
Subject: RE: 150196-EI SACE Discovery CD

Thanks Jon! I appreciate you letting me know.

Kelley F. Corbari,

Senior Attorney – Regulatory Analysis Section
Office of the General Counsel
FLORIDA PUBLIC SERVICE COMMISSION
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PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

From: Jon Moyle [<mailto:jmoyle@moylelaw.com>]
Sent: Friday, November 06, 2015 4:59 PM
To: Kelley Corbari
Cc: Leslie Ames; Karen Putnal
Subject: RE: 150196-EI SACE Discovery CD

RE: Doc #: 06845-15

Thank you for your e-mail. I wanted let you know that, as it relates to staff's recent discovery request related to the FIPUG counter-proposal regarding Docket No. 981890-EU, In re: Generic investigation into the aggregate electric utility reserve margins planned for Peninsular Florida, I was unable to locate and determine with certainty the FIPUG offered counter-proposal of November 17, 1999. Regards, Jon

Jon C. Moyle
jmoyle@moylelaw.com

From: Kelley Corbari [<mailto:KCorbari@psc.state.fl.us>]
Sent: Friday, November 06, 2015 11:29 AM
To: Jon Moyle
Cc: Leslie Ames; Karen Putnal
Subject: 150196-EI SACE Discovery CD

Jon,

Per our conversation, here is my email exchange with Jamie Whitlock regarding the documents SACE produced in response to FPL's request for production. Let me know if you think you are missing any discovery and I am happy to compare what I have.

Have a great weekend

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for Okeechobee Clean Energy Center Unit 1, by Florida Power & Light Company. DOCKET NO. 150196-EI
DATED: OCTOBER 26, 2015

STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
FLORIDA INDUSTRIAL POWER USERS GROUP (NO. 1)

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Staff of the Florida Public Service Commission, by and through its undersigned attorney, hereby serves the following Request for Production of Documents upon Florida Industrial Power Users Group (FIPUG).

Please produce the following documents at the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than **twenty (20) days** after service of this request for the purpose of inspection and copying.

DEFINITIONS

As used herein, the word "documents" shall mean the original and any non-identical copies of any writing or record, including but not limited to a book, pamphlet, periodical, letter, memorandum, telegram, report, study, interoffice or intra-office, handwritten or other notes, working paper, draft, application, permit, chart, paper, graph, survey, index, tape, disc, data sheet or data processing card, computer printout, or any other written, recorded, transcribed, filed or graphic matter, however produced or reproduced.

Please provide all requested data electronically in MS Excel format with all formulas intact.

DOCUMENTS REQUESTED

1. Page 3 of Commission Order No. PSC-99-2507-S-EU (Order Approving Stipulation), issued on December 22, 1999, in Docket No. 981890-EU, In re: Generic investigation into the aggregate electric utility reserve margins planned for Peninsular Florida, states:

At the outset of the hearing, Florida Power & Light Company (FPL), Florida Power Corporation (FPC), and Tampa Electric Company (TECO), presented a proposal designed to settle the case; addressing what they believe are the Commission's major concerns. By the proposal, these three utilities stipulated to voluntarily adopting a twenty percent reserve margin planning criterion. Each of these three utilities would achieve the twenty percent level by the summer of 2004. Further, pursuant to the proposal, no decisions would be made concerning the specifically enumerated issues, and the docket would be closed. FPL, FPC, and TECO would be the only utilities adopting the twenty percent criteria.

Other parties argued in support of and against the proposal. The Florida Industrial Power Users Group (FIPUG) requested additional time to present a counter-proposal. The hearing was continued until November 30, 1999, and the parties were directed to attempt to reach a negotiated settlement. FIPUG offered a counter-proposal on November 17, 1999. No settlement was reached.

(emphasis added)

Please produce the following information:

- a. Copy of the counter-proposal offered by FIPUG on November 17, 1999, in Docket No. 981890-EU.

STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
TO FLORIDA INDUSTRIAL POWER USERS GROUP (NO. 1)
DOCKET NO. 150196-EI
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- b. Any documents discussing, detailing or pertaining to the counter-proposal offered by FIPUG in Docket No. 981890-EU.

/s/ Kelley F. Corbari

KELLEY F. CORBARI (0103692)
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for Okeechobee Clean Energy Center Unit 1, by Florida Power & Light Company. DOCKET NO. 150196-EI
DATED: OCTOBER 26, 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and correct copy of STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA INDUSTRIAL POWER USERS GROUP (NO. 1) has been served by electronic mail to **Jon C. Moyle, Jr.** (JMoyle@Moylelaw.com) and **Karen A. Putnal** (KPutnal@Moylelaw.com) and that a true copy thereof has been furnished to the following by electronic mail this 26th day of October, 2015:

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CERTIFICATE OF SERVICE
STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
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/s/ Kelley F. Corbari

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