

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaints by Southeastern Utility Services, Inc., on behalf of various customers, against Florida Power & Light Company concerning thermal demand meter error.

Docket No. 030623-EI
Filed September 22, 2004

CUSTOMERS' OBJECTIONS AND RESPONSE TO FLORIDA POWER & LIGHT COMPANY'S FIRST SET OF REQUESTS FOR ADMISSIONS and FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO CUSTOMERS

Petitioners, Ocean Properties, Ltd., J.C. Penney Corp., Dillard's Department Stores, Inc., and Target Stores, Inc. (collectively referred to as "Customers"), through their undersigned counsel and pursuant to Chapter 25-22, Florida Administrative Code (F.A.C.), Rule 28-106.204, F.A.C., and Order No. PSC-04-0922-PCO-EI, hereby file this Response to Florida Power & Light Company's (FPL) First Set of Requests for Admission to customers (No. 4), and FPL's Requests for Production of Documents (No.'s 4 and 6). Customers' response is made subject to the objections raised in Customers' February 13, 2004, Responses to FPL's discovery requests.

RESPONSE TO REQUESTS FOR ADMISSIONS NO. 4

Request for Admission No. 4. Admit that a thermal demand meter may over-register for a reason or reasons other than miscalibration of the meter when the meter is initially placed in or subsequently returned to service.

If your answer is anything but an unqualified "yes," describe the basis for your answer.

RESPONSE:

4. Customers admit that the following conditions, other than miscalibration, have been observed to result in over-registration:

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- a. Bent maximum demand indicator needle as observed on the Target Sarasota meter that is in this docket; and
- b. Broken linkage chain on high scale adjustment on a meter located at a movie theatre in Bradenton, Florida as observed by George Brown when he was an FPL employee.

RESPONSES TO REQUESTS FOR PRODUCTION NO.'S 4 & 6

Request No. 4: All documents sent or received by SUSI and/or exchanged between SUSI and any customer of FPL (including but not limited to the Petitioner Customers) who receives or received electric service through thermal demand meters from the period of July 1, 2002 through January 14, 2004.

Customers' Response: All responsive documents were produced in response to FPL's July 28, 2004, Second Request for Production of Documents (No.'s 13-28).

Request No. 6: All documents referring or related to over-registration and calibration of thermal demand meters.

Customers' Response: No such documents are in the custody, possession, or control of Customers.

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CERTIFICATE OF SERVICE
Docket No. 030623-EI

CERTIFICATE OF SERVICE

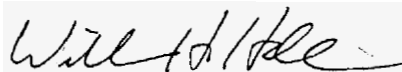
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to those listed below with an asterisk and the remainder by U.S. Mail without an asterisk this day the 22nd day of September, 2004.

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