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May 20, 2005

VIA ELECTRONIC MAIL

Ms. Blanca S. Bayó, Director
Division of Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: OPC Discovery Limits, Docket Nos. 050045-EI and 050188-EI
(issued May 11, 2005)

Dear Ms. Bayó:

Please be advised that the First Order Revising Order Establishing Procedure, Order No. PSC-05-0518-PCO-EI, issued May 11, 2005 in the above-referenced dockets (“Revised Procedural Order”), understated the amount of discovery served by the Office of Public Counsel (“OPC”) on Florida Power & Light Company (“FPL”) thus far. Consistent with the original Order Establishing Procedure, Order No. PSC-05-0347-PCO-EI (“Original Procedural Order”), and the Revised Procedural Order, the limit for interrogatories and requests for documents is set at 700 each per party, including subparts.¹ Including subparts, as of the date of this letter, OPC has served on FPL 854 interrogatories and 354 document requests. Therefore, OPC has exceeded the discovery limits for interrogatories by 154 interrogatories.

Although the Original Procedural Order said that subparts should be counted against the discovery limits, it appears that the numbers in the Revised Procedural Order (265 interrogatories and 271 document requests) inadvertently did not include subparts. In adhering to the discovery limits, it is imperative that subparts be counted. As an

¹ The provision of the Order Establishing Procedure counting subparts against the discovery limits was not modified by the Revised Procedural Order.

Ms. Blanca S. Bayó, Director
Division of Commission Clerk
and Administrative Services
Florida Public Service Commission
May 20, 2005
Page 2

example, though OPC's eleventh set of interrogatories included only 34 numbered interrogatories, counting subparts, there were 218 interrogatories.

Please contact me should you have any questions or wish to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read "Natalie F. Smith". The signature is fluid and cursive, with a large initial "N" and a long, sweeping tail.

Natalie F. Smith

NFS:ec

cc: Katherine E. Fleming, Esquire
Wm. Cochran Keating, IV, Esquire
Florida Public Service Commission
Division of Legal Services
Charles J. Beck, Esquire
Office of Public Counsel
Parties of record of Docket Nos. 050045-EI and 050188-EI