

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Generic Investigation Into The)
Aggregate Electric Utility Reserve)
Margins Planned for Peninsular)
Florida.)

Docket No. 981890-EU

Submitted for filing: October 11, 1999

**OBJECTION OF FLORIDA RELIABILITY COORDINATING COUNCIL, INC.,
DUKE ENERGY NORTH AMERICA'S FIRST REQUEST FOR PRODUCTION**

The Florida Reliability Coordinating Council, Inc. (FRCC), objects to Duke Energy North America's (Duke) First Request for Production. This proceeding lacks the requisite elements to fall under Sections 120.569 and 120.57, Florida Statutes, and discovery is not available pursuant to Section 120.569(2)(d), Florida Statutes. Further, Duke's request for production is objectionable, as it seeks discovery after the October 11, 1999, discovery deadline and only one day prior to the start of the hearing, and is otherwise unduly burdensome in that it seeks information from public records which are readily available to Duke.

1. Though designated by the Commission as a formal proceeding pursuant to Sections 120.569 and 120.57, Florida Statutes, this proceeding lacks the requisite elements to fall under those statutes. Accordingly, discovery is not available pursuant to Section 120.569(2)(d),

Florida Statutes. FRCC has not objected to Staff discovery to date, as the Commission's general investigative authority and power to require reports and information has arguably provided as basis for Commission Staff discovery. Duke, however, has no authority to require that its inquiries be responded to by any party and FRCC therefore objects to its Request for Production.

FA _____
PP _____
JAF _____
JMU _____
JTR _____
EAG _____
LEG _____
MAS _____
DPC _____
PAI _____
SEC _____
WAW _____
OTH _____

DOCUMENT NUMBER-DATE

12349 OCT 11 99

FPSC-RECORDS/REPORTING

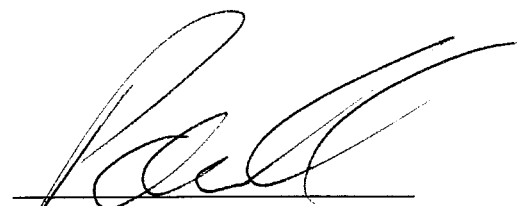
2. Not only is discovery not available in this proceeding, but the production sought by Duke is too late in this proceeding. Duke seeks production by the FRCC on November 1, 1999, only one day prior to the start of the hearing. However, the discovery deadline in this case was established by the Prehearing Officer as October 11, 1999, to ensure that the parties have time to prepare for the final hearing, and are not bogged down by the need to respond to last-minute discovery. In seeking discovery after the October 11, 1999, deadline, Duke is requiring the FRCC to respond to discovery when it should be preparing for hearing, which is contrary to the purpose of the discovery deadline.

3. The foregoing objections notwithstanding, production of the documents requested by Duke is unduly burdensome, as the majority of the documents have already been provided to the Commission by FRCC, are public records readily available to Duke and are, in all likelihood, already in Duke's possession.

WHEREFORE, FRCC objects to Duke's Request for Production by FRCC.

Dated: October 11, 1999

Respectfully Submitted,

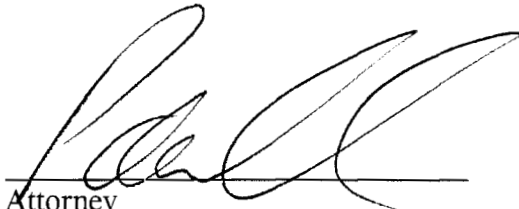


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been provided by U.S. Mail this 11th day of October, 1999, to the persons shown on the attached Service List.



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