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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION NOV 22 PM 4:47

In Re: Petition for Determination of)
 Need for an Electrical Power Plant in) DOCKET NO. 99-1462-EPD
 Okeechobee County by Okeechobee)
 Generating Company, L.L.C.) FILED: November 22, 1999

RECORDS AND REPORTING

OKEECHOBEE GENERATING COMPANY'S OBJECTIONS
TO FLORIDA POWER & LIGHT COMPANY'S FOURTH SET OF
INTERROGATORIES (NOS. 119-199)

Okeechobee Generating Company, L.L.C. ("OGC"), pursuant to the Commission's Order Establishing Procedure, as revised, and the Order Establishing Expedited Discovery Schedule, hereby respectfully submits its objections to Florida Power & Light Company's ("FPL") Fourth Set of Interrogatories (Nos. 119-199), which were served on OGC on November 12, 1999.

GENERAL OBJECTIONS

OGC objects to FPL's Fourth Set of Interrogatories on the grounds set forth in paragraphs A-F below. Each of OGC's responses will be subject to and qualified by these general objections.

A. OGC objects to FPL's request that the answers to these interrogatories be provided on or before November 26, 1999. November 26, 1999 is a holiday. See Uniform Rule 28-106.103, Florida

AFA _____ Administrative Code (defining legal holidays as those days designated
 APP _____
 CAF _____
 CMU _____ under Section 110.117, Florida Statutes, which specifically includes
 CTR _____
 EAG _____ the Friday after Thanksgiving); see also Cummins Alabama, Inc. v.
 LEG _____
 MAS _____ Allbritten, 548 So. 2d 258, 262 (Fla. 1st DCA 1989) (holding that the
 OPC _____
 PAI _____ day after Thanksgiving is a legal holiday for purposes of complying
 SEC _____
 WAW _____ with the Florida Rules of Civil Procedure). Accordingly, pursuant to
 OTH _____

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FPSC-RECORDS/REPORTING

the Order Establishing Expedited Discovery Schedule, issued on November 8, 1999, OGC's responses to FPL's Fourth Set of Interrogatories are due on November 29, 1999.

B. OGC objects to any interrogatory that calls for the creation of information as opposed to the reporting of presently existing information as an improper expansion of OGC's obligations under the law FPL invokes.

C. OGC objects to any interrogatory that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time response is first made to these interrogatories or is later determined to be applicable for any reason. OGC in no way intends to waive any such privilege or protection.

D. OGC objects to any interrogatory that calls for confidential, proprietary business information and/or the compilation of information that is considered confidential, proprietary business information.

E. As noted in OGC's specific objections stated below, OGC objects to each interrogatory propounded by FPL in its Fourth Set of Interrogatories on the grounds that those interrogatories are beyond the scope of discovery permitted of testifying experts by the Florida Rules of Civil Procedure ("F.C.R.P."). Rule 1.280(b)(4)(A), F.R.C.P.,

which is made specifically applicable to this proceeding by Uniform Rule 28-106.206, Florida Administrative Code, provides as follows:

(4) Trial Preparation: Experts. Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of subdivision (b) (1) of this rule and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(A) (i) By interrogatories a party may require any other party to identify each person whom the other party expects to call as an expert witness at trial and to state the subject matter on which the expert is expected to testify, and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

(ii) Any person disclosed by interrogatories or otherwise as a person expected to be called as an expert witness at trial may be deposed in accordance with rule 1.390 without motion or order of court.

(iii) A party may obtain the following discovery regarding any person disclosed by interrogatories or otherwise as a person expected to be called as an expert witness at trial:

1. The scope of employment in the pending case and the compensation for such service.
2. The expert's general litigation experience, including the percentage of work performed for plaintiffs and defendants.
3. The identity of other cases, within a reasonable time period, in which the expert has testified by deposition or at trial.
4. An approximation of the portion of the expert's involvement as an expert witness, which may be based on the number of hours, percentage of hours, or percentage of earned income derived from serving as an expert witness; however, the expert shall not be required to disclose his or her earnings as an expert witness or income derived from other services.

An expert may be required to produce financial and business records only under the most unusual or compelling circumstances and may not be compelled to compile or produce nonexistent documents. Upon motion, the court may order further discovery by other means, subject to such restrictions as to scope and other provisions pursuant to subdivision (b)(4)(C) of this rule concerning fees and expenses as the court may deem appropriate.

FPL has not asked interrogatories that are permitted under Rule 1.280(b), F.R.C.P. Rather, FPL has propounded numerous interrogatories directed to Dale M. Nesbitt, Ph.D., one of OGC's testifying experts. These interrogatories are clearly beyond the scope of discovery by interrogatories permitted under the applicable rules. OGC will, of course, produce its testifying experts for deposition as provided for in Rule 1.280(b)(4)(A)(ii), F.R.C.P.

F. FPL has propounded on OGC a total of 196 numbered interrogatories in this case. Included within the 196 numbered interrogatories, FPL has specifically identified an additional 47 labeled subparts for a total of 243 interrogatories, including subparts. Also included within the 196 numbered interrogatories are over 50 subparts that FPL has not specifically labeled. The Order Establishing Procedure provides that the number of interrogatories that a party may propound on another party shall be limited to 200, including subparts. OGC objects to all of FPL's interrogatories that exceed the number of interrogatories authorized by the Order Establishing Procedure.

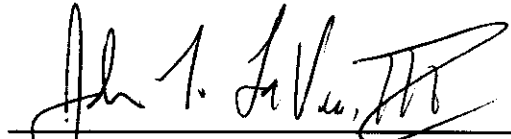
SPECIFIC OBJECTIONS

OGC makes the following specific objections to FPL's First Set of

Interrogatories.

119-199. OGC objects to each interrogatory on the grounds that it is beyond the scope of discovery permitted of a testifying expert witness by the Florida Rules of Civil Procedure.

Respectfully submitted this 22nd day of November, 1999.



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CERTIFICATE OF SERVICE
DOCKET NO. 991462-EU

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (*), facsimile transmission (**), or by United States Mail, postage prepaid, on the following individuals this 22nd day of November, 1999.

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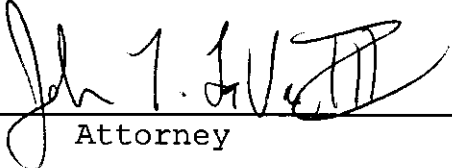
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