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REPORTING

December 6, 1999

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**By Hand Delivery**

ORIGINAL

**Re: Docket No. 991462-EU**

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") in Docket No. 991462-EU are the original and fifteen (15) copies of Florida Power & Light Company's Motion for Leave to Propound Additional Interrogatories Upon Okeechobee Generating Company.

If you or your staff have any questions regarding this filing, please contact me.

Very truly yours,

Charles A. Guyton

AFA	_____	Enclosure
APP	_____	
CAF	_____	cc: Parties of Record
CMU	_____	TAL 1998/32752-1
CTR	_____	
EAG	_____	
LEG	_____	
MAS	_____	3
OPC	_____	
RRR	_____	
SEC	_____	
WAW	_____	
OTH	_____	

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

14845 DEC-6 99

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination )  
of Need for an Electrical Power ) DOCKET NO. 991462-EU  
Plant in Okeechobee County by )  
Okeechobee Generating Company, ) Filed: December 6, 1999  
L.L.C. )

**ORIGINAL**

**FLORIDA POWER & LIGHT COMPANY'S MOTION FOR LEAVE  
TO PROPOUND ADDITIONAL INTERROGATORIES  
UPON OKEECHOBEE GENERATING COMPANY**

Florida Power & Light Company ("FPL"), by its attorneys, hereby moves, pursuant to Rule 1.340 of the Florida Rules of Civil Procedure and Rule 28-106.206 of the Florida Administrative Code, for leave to propound additional interrogatories upon Okeechobee Generating Company, L.L.C. ("OGC"), as follows:

1. In its Order Establishing Procedure dated October 13, 1999, the Public Service Commission limited each party to 200 interrogatories.
2. Due to the expedited discovery schedule in this proceeding, the parties were limited in the time permitted for discovery. At the time FPL submitted its First, Second, Third, and Fourth sets of interrogatories (collectively nos. 1-199), the expedited schedule was in place, making it impossible for FPL to sequence multiple series of interrogatories so that information from one set could be used to refine subsequent sets. Therefore, it was necessary for FPL to send more interrogatories than it would have otherwise required if time had been available for sequenced discovery.
3. OGC has objected to FPL's interrogatories on the grounds that FPL has exceeded the 200 interrogatory limit. FPL acknowledges that counting subparts that FPL has exceeded 200 interrogatories. In doing so, FPL posed the questions it felt it needed to ask to prepare for the case.

DOCUMENT NUMBER-DATE

14845 DEC-6 99

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This complex case with extensive expert testimony but very little detailed supporting information lends itself to more than 200 interrogatories, as evidenced by the interrogatories FPL has posed to date.

4. OGC's case is based largely on the testimony of several expert witnesses. FPL intends to depose those witnesses and anticipates that their depositions may be lengthy. Additional interrogatories would allow FPL to learn more in advance about the bases for the witnesses' testimony, which would result in shorter and less complex depositions. Moreover, the complex subject matter in this case is more appropriately addressed through prepared written responses rather than immediate verbal answers.

5. The allegations in OGC's petition and prefiled testimony are incomplete<sup>1</sup> and often vague. This vagueness requires FPL to propound numerous interrogatories to fill in the gaps in OGC's petition and pre-filed testimony, while simultaneously making it difficult for FPL to formulate those interrogatories effectively. In addition, OGC's responses to some of the key interrogatories have been vague and unresponsive. For example, OGC's response to FPL's Interrogatory No. 35 merely refers to the data furnished in response to FPL's Production Request No. 5. That data does not provide the answer to the interrogatory. OGC repeats this tactic in its responses to Interrogatories No. 36, 40, and 41. Moreover, OGC appears to use its corporate structure to obstruct discovery by purporting that the information sought is in the possession or

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<sup>1</sup> For instance, Rule 25-22.081(3) of the Florida Administrative Code, requires an applicant such as OGC, which is requesting a determination of need on a basis in addition to or in lieu of capacity needs, such as oil backout, to provide "detailed analysis and supporting documentation of the costs and benefits," and that detailed information was not provided in either the petition and exhibits or OGC's testimony. As a result of these deficiencies, FPL was forced to use interrogatories to compel OGC to substantiate its assertions.

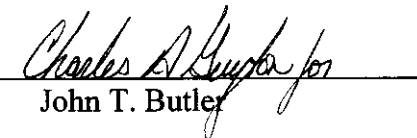
control of a separate entity. These and other tactics have frustrated discovery, leaving FPL in the position of needing additional interrogatories in addition to having to compel answers to the existing interrogatories.

6. Counsel for FPL has conferred with counsel for all parties regarding this motion. Counsel for OGC objects to this motion. Counsel for Staff has no position. Counsel for FPC, TECO and LEAF have no objection to the motion.

7. FPL therefore respectfully requests the Commission to grant leave to serve an additional 200 interrogatories upon OGC.

Respectfully submitted,

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By:   
John T. Butler

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail or Hand Delivery (\*) this 6th day of December, 1999 to the following:

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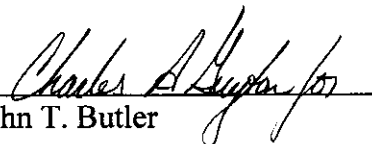
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