

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition To Determine Need For an Electrical Power Plant in Taylor County by Florida Municipal Power Agency, JEA, Reedy Creek Improvement District and City of Tallahassee.	DOCKET NO. 060635-EU DATED: December 26, 2006
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**FLORIDA MUNICIPAL POWER AGENCY, JEA, REEDY CREEK
IMPROVEMENT DISTRICT AND CITY OF TALLAHASSEE'S (APPLICANTS')
OBJECTIONS TO THE NATURAL RESOURCES DEFENSE COUNCIL'S
FIRST SET OF INTERROGATORIES (NOS. 1 - 26)**

Florida Municipal Power Agency (FMPA), JEA, Reedy Creek Improvement District (RCID) and the City of Tallahassee (Tallahassee), collectively referred to as the "Applicants", pursuant to Rule 28-106.206, Florida Administrative Code, Rule 1.340, Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter (Order No. PSC-06-0819-PCO-EU), hereby serve their Objections to The Natural Resources Defense Council's ("NRDC's") First Set of Interrogatories (Nos. 1 - 26).

GENERAL OBJECTIONS

1. The Applicants object to any definitions or instructions in NRDC's First Set of Interrogatories (Nos. 1-26) that are inconsistent with the Applicants' discovery obligations under applicable rules. The Applicants will comply with applicable rules and not with any of NRDC's definitions or instructions that are inconsistent with those rules. The Applicants also object to any definition or interrogatory that seeks to encompass persons or entities other than the Applicants who are not parties to this action and thus are not subject to discovery. No responses will be made on behalf of persons or entities other than the Applicants.

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2. The Applicants object to each interrogatory and instruction to the extent it would require the Applicants to divulge information that is exempt from discovery under the attorney-client privilege, the attorney work product privilege, or any other applicable privilege.

3. The Applicants object to each interrogatory and instruction to the extent it would require the Applicants to divulge proprietary confidential business information without protective measures necessary to prevent disclosure.

SPECIFIC OBJECTIONS

14. Please describe all "CO₂ scrubber" technology which is currently in commercial use or in development.

OBJECTION TO INTERROGATORY NO. 14: Applicants objects to this request on the grounds that it seeks to require the Applicants to compile publicly available information which NRDC is equally capable of compiling. Applicants further object to this interrogatory on the grounds that it is overly broad, and not reasonably calculated to lead to the discovery of admissible evidence.

20. Please provide a sensitivity analysis similar to that of Exhibit (MP-5) using the attached estimates for CO₂ emission allowances prepared by the Energy Information Agency (EIA) in their analysis of Senate Amendment 2028 to Senate Bill 139, the McCain-Lieberman Climate Stewardship Act of 2003. Please provide a sensitivity using the S.139 CO₂ allowance estimates and a separate sensitivity using the SA 2028 CO₂ allowance estimates reported as 2005\$/short ton of CO₂.

OBJECTIONS TO INTERROGATORY NO. 20: Applicants object on the grounds that this is an improper interrogatory in that the emission allowance estimates in the sensitivity analysis performed by the Applicants are outputs, not inputs, in the models. Thus, Applicants cannot provide the information sought by the NRDC.

Further, Applicants object on the grounds that this is an improper interrogatory in that it would require the Applicants to perform studies, which do not currently exist, to support Intervenor's view of the case. A party is not required to perform studies in order to respond to an interrogatory submitted by an opposing party. See Order No. PSC-99-0708-PCO-WS (Docket No. 950495-WS) (Apr. 13, 1999), 99 FPSC 4:366, at 4:368; Order No. PSC-98-1058-PCO-TI (Docket No. 951232-TI) (Aug. 7, 1998), at 3; Order No. PSC-92-0819-PCO-WS (Docket No. 920199-WS) (Aug. 14, 1992), at 2-3; and Balzebre v. Anderson, 294 So.2d 701, 702 (Fla. 3rd DCA 1974).

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21. Please provide a sensitivity analysis similar to that of Exhibit (MP-5) using the attached estimate for CO₂ emission allowances ("low value", "middle value" and "high value") prepared by Synapse Energy Economics, Inc. in May of 2006. These values are stated in 2005\$/short ton CO₂.

OBJECTIONS TO INTERROGATORY NO. 21: Applicants object on the grounds that this is an improper interrogatory in that the emission allowance estimates in the sensitivity analysis performed by the Applicants are outputs, not inputs, in the models. Thus, Applicants cannot provide the information sought by the NRDC.

Further, Applicants object on the grounds that this is an improper interrogatory in that it would require the Applicants to perform a study, which does not currently exist, to support Intervenor's view of the case. A party is not required to perform studies in order to respond to an interrogatory submitted by an opposing party. See Order No. PSC-99-0708-PCO-WS (Docket No. 950495-WS) (Apr. 13, 1999), 99 FPSC 4:366, at 4:368; Order No. PSC-98-1058-PCO-TI (Docket No. 951232-TI) (Aug. 7, 1998), at 3; Order No. PSC-92-0819-PCO-WS (Docket No. 920199-WS) (Aug. 14, 1992), at 2-3; and Balzebre v. Anderson, 294 So.2d 701, 702 (Fla. 3rd DCA 1974).

22. Please provide a chart showing JEA's capacity resources by fuel type for the years 2015, 2020, 2025, 2030 and 2035 based on the generation expansion plan outlined in Table C.5-6.

OBJECTION TO INTERROGATORY NO. 22: Applicants object on the grounds that this is an improper interrogatory to the extent that it would require the Applicants to create a new chart, which does not currently exist, to support Intervenor's view of the case. A party is not required to create documents in order to respond to an interrogatory submitted by an opposing party, in particular, where as here, the underlying data is equally available for compilation by NRDC. See Order No. PSC-99-0708-PCO-WS (Docket No. 950495-WS) (Apr. 13, 1999), 99 FPSC 4:366, at 4:368; Order No. PSC-98-1058-PCO-TI (Docket No. 951232-TI) (Aug. 7, 1998), at 3; Order No. PSC-92-0819-PCO-WS (Docket No. 920199-WS) (Aug. 14, 1992), at 2-3; and Balzebre v. Anderson, 294 So.2d 701, 702 (Fla. 3rd DCA 1974).

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23. Please provide a chart showing JEA's capacity resources by fuel type for the years 2015, 2020, 2025, 2030 and 2035 based on the generation expansion plan outlined in Table C.5-7.

OBJECTION TO INTERROGATORY NO. 23: Applicants object on the grounds that this is an improper interrogatory to the extent that it would require the Applicants to create a new chart, which does not currently exist, to support Intervenor's view of the case. A party is not required to create documents in order to respond to an interrogatory submitted by an opposing party, in particular, where as here, the underlying data is equally available for compilation by NRDC. See Order No. PSC-99-0708-PCO-WS (Docket No. 950495-WS) (Apr. 13, 1999), 99 FPSC 4:366, at 4:368; Order No. PSC-98-1058-PCO-TI (Docket No. 951232-TI) (Aug. 7, 1998), at 3; Order No. PSC-92-0819-PCO-WS (Docket No. 920199-WS) (Aug. 14, 1992), at 2-3; and Balzebre v. Anderson, 294 So.2d 701, 702 (Fla. 3rd DCA 1974).

24. Please provide a CO2 sensitivity analysis similar to Ex. (MP-5) which uses the same parameters for electricity demand growth, same amount of nuclear capacity and same amount of energy produced by renewables or other non-emitting sources as that used in Ex. (MP-2).

OBJECTION TO INTERROGATORY NO. 24: Applicants object on the grounds that this is an improper interrogatory in that it would require the Applicants to perform a study, which does not currently exist, to support Intervenor's view of the case. A party is not required to perform studies in order to respond to an interrogatory submitted by an opposing party. See Order No. PSC-99-0708-PCO-WS (Docket No. 950495-WS) (Apr. 13, 1999), 99 FPSC 4:366, at 4:368; Order No. PSC-98-1058-PCO-TI (Docket No. 951232-TI) (Aug. 7, 1998), at 3; Order No. PSC-92-0819-PCO-WS (Docket No. 920199-WS) (Aug. 14, 1992), at 2-3; and Balzebre v. Anderson, 294 So.2d 701, 702 (Fla. 3rd DCA 1974).

25. Please provide a low fuel sensitivity study similar to Ex. (MP-4) which also includes CO2 emissions allowances as stated on Ex. (MP-5).

OBJECTION TO INTERROGATORY NO. 25: Applicants object on the grounds that this is an improper interrogatory in that it would require the Applicants to perform a study, which does not currently exist, to support Intervenor's view of the case. A party is not required to perform studies in order to respond to an interrogatory submitted by an opposing party. See Order No. PSC-99-0708-PCO-WS (Docket No. 950495-WS) (Apr. 13, 1999), 99 FPSC 4:366, at 4:368; Order No. PSC-98-1058-PCO-TI (Docket No. 951232-TI) (Aug. 7, 1998), at 3; Order No. PSC-92-0819-PCO-WS (Docket No. 920199-WS) (Aug. 14, 1992), at 2-3; and Balzebre v. Anderson, 294 So.2d 701, 702 (Fla. 3rd DCA 1974).

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26. Please provide a low load and energy growth sensitivity study similar to Tables B-6.18, C.6-18, D.6-10 and E.6-18 which also includes CO2 emissions allowances as stated on Ex. (MP-5).

OBJECTION TO INTERROGATORY NO. 26: Applicants object on the grounds that this is an improper interrogatory in that it would require the Applicants to perform a study, which does not currently exist, to support Intervenor's view of the case. A party is not required to perform studies in order to respond to an interrogatory submitted by an opposing party. See Order No. PSC-99-0708-PCO-WS (Docket No. 950495-WS) (Apr. 13, 1999), 99 FPSC 4:366, at 4:368; Order No. PSC-98-1058-PCO-TI (Docket No. 951232-TI) (Aug. 7, 1998), at 3; Order No. PSC-92-0819-PCO-WS (Docket No. 920199-WS) (Aug. 14, 1992), at 2-3; and Balzebre v. Anderson, 294 So.2d 701, 702 (Fla. 3rd DCA 1974).

Respectfully submitted this 26th day of December, 2006.

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