

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
SECOND SET OF INTERROGATORIES (NOS. 1 - 8)**

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 Specific Objections to The Natural Resources Defense Council's ("NRDC's") Second Set of Interrogatories (Nos. 1 - 8).

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

2. Please provide a table showing projected electricity demand for energy and capacity for each of the TEC participants assuming implementation of all DSM measures that pass the Total Resource Test.

OBJECTION TO INTERROGATORY NO. 2: Applicants object on the grounds that this is an improper interrogatory to the extent that it would require the Applicants to create a new table, 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. 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).

3. For each DSM measure available to or evaluated by a project applicant, including any measures that pass the Total Resource Test, please provide the levelized cost per saved unit of energy (cents per kwh saved) over the life of the measure.

OBJECTION TO INTERROGATORY NO. 3: Applicants object on the grounds that this is an improper interrogatory to the extent that it would require the Applicants to create a new calculation, 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. 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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Applicant further objects to this interrogatory as NRDC is equally capable of performing the requested calculations using the information to be provided in response to Interrogatory No. 1 above.

4. For each DSM measure available to or evaluated by a project applicant, including any measures that pass the Total Resource Test, please indicate the number of MWhs that can be saved at a cost (in cents per kwh saved) that is equal to or less than the cost per kwh of electricity generated by the TEC.

OBJECTION TO INTERROGATORY NO. 4: Applicants object on the grounds that this is an improper interrogatory to the extent that it would require the Applicants to create a new calculation, 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. 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).

Applicant further objects to this interrogatory as NRDC is equally capable of performing the requested calculations using the information to be provided in response to Interrogatory No. 1 above.

5. Please provide a low fuel price sensitivity study assuming implementation of all DSM measures that pass the Total Resource Test.

OBJECTION TO INTERROGATORY NO. 5: 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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6. Please provide a low load growth sensitivity study assuming implementation of all DSM measures that pass the Total Resource Test

OBJECTION TO INTERROGATORY NO. 6: 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).

7. Please provide a low fuel price sensitivity study similar to Ex. (MP-4) which also includes CO2 emissions allowances as projected by EIA and Synapse as referenced in questions 20 and 21 of NRDC's first set of interrogatories.

OBJECTION TO INTERROGATORY NO. 7: 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. See Applicants' Response to NRDC's First Set of Interrogatories, Nos. 20 and 21.

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).

8. Please provide a low load growth sensitivity study which also includes CO2 emissions allowances as projected by EIA and Synapse as referenced in questions 20 and 21 of NRDC's first set of interrogatories.

OBJECTION TO INTERROGATORY NO. 8: 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

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Respectfully submitted this 26th day of December, 2006.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Applicants' Objections to The Natural Resources Defense Council's Second Set of Interrogatories (Nos. 1 - 8) in Docket No. 060635-EU was served upon the following by electronic mail(*) or U.S. Mail(**) on this 26th day of December, 2006:

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