

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida Power & Light Company

Docket No. 160021-EI

In re: Petition for approval of 2016-2018 storm hardening plan, by Florida Power & Light Company

Docket No. 160061-EI

In re: 2016 depreciation and dismantlement study by Florida Power & Light Company

Docket No. 160062-EI

In re: Petition for limited proceeding to modify and continue incentive mechanism by Florida Power & Light Company

Docket No. 160088-EI

Filed: July 21, 2016

**NOTICE OF SERVICE OF OFFICE OF PUBLIC COUNSEL'S RESPONSES TO FLORIDA POWER AND LIGHT'S SECOND SET OF REQUESTS FOR ADMISSIONS (NO. 24), THIRD SET OF INTERROGATORIES (NO. 42), AND THIRD REQUEST TO PRODUCE DOCUMENTS (NO. 10)**

Pursuant to Section 350.0611, Florida Statutes, the Citizens of the State of Florida, by and through J. R. Kelly, Public Counsel, serve this notice that they have served their Responses to Florida Power & Light Company's Second Set of Requests for Admissions (No. 24), Third Set of Interrogatories (No. 42), and Third Request to Produce Documents (No. 10) to John T. Butler and Wade Litchfield, Florida Power & Light Company, 700 Universe Blvd., Juno Beach, Florida 33418 on this 21<sup>st</sup> day of July, 2016.

J. R. Kelly  
Public Counsel



Patricia A. Christensen  
Associate Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399  
(850) 488-9330

Attorney for the Citizens  
of the State of Florida

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and foregoing copy has been furnished by electronic mail on this 21<sup>st</sup> day of July, 2016, to the following:

Suzanne Brownless  
Adria Harper / Danijela Janjic  
Kyesha Mapp / Margo Leathers  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[sbrownle@psc.state.fl.us](mailto:sbrownle@psc.state.fl.us)

Ken Hoffman  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1858  
[ken.hoffman@fpl.com](mailto:ken.hoffman@fpl.com)

John T. Butler  
R. Wade Litchfield  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
[john.butler@fpl.com](mailto:john.butler@fpl.com)  
[wade.litchfield@fpl.com](mailto:wade.litchfield@fpl.com)

Jon C. Moyle, Jr.  
118 North Gadsden Street  
Tallahassee, FL 32301  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)

K. Wiseman/M. Sundback/W. Rappolt  
Andrews Law Firm  
1350 I Street NW, Suite 1100  
Washington DC20005  
[kwiseman@andrewskurth.com](mailto:kwiseman@andrewskurth.com)  
[msundback@andrewskurth.com](mailto:msundback@andrewskurth.com)  
[wrapolt@andrewskurth.com](mailto:wrapolt@andrewskurth.com)

Derrick Price Williamson  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)

Stephanie U. Roberts  
Spilman Thomas & Battle, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC 27103  
[sroberts@spilmanlaw.com](mailto:sroberts@spilmanlaw.com)

Federal Executive Agencies  
Thomas A. Jernigan  
c/o AFCEC/JA-ULFSC  
139 Barnes Drive, Suite 1  
Tyndall AFB FL32403  
[Thomas.Jernigan.3@us.af.mil](mailto:Thomas.Jernigan.3@us.af.mil)

John B. Coffman, LLC  
Coffman Law Firm  
871 Tuxedo Blvd.  
St. Louis MO63119-2044  
[john@johncoffman.net](mailto:john@johncoffman.net)

Jack McRay  
AARP Florida  
200 W. College Ave., #304  
Tallahassee FL32301  
[jmcray@aarp.org](mailto:jmcray@aarp.org)

Robert Scheffel Wright/John T. LaVia, III  
Gardner Law Firm  
1300 Thomaswood Drive  
Tallahassee FL32308  
[schef@gbwlegal.com](mailto:schef@gbwlegal.com)  
[jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)

Diana Csank  
50 F St. NW, 8th Floor  
Washington DC20001  
[diana.csank@sierraclub.org](mailto:diana.csank@sierraclub.org)



---

Patricia A. Christensen  
Associate Public Counsel

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida Power & Light Company

Docket No. 160021-EI

In re: Petition for approval of 2016-2018 storm hardening plan, by Florida Power & Light Company

Docket No. 160061-EI

In re: 2016 depreciation and dismantlement study by Florida Power & Light Company

Docket No. 160062-EI

In re: Petition for limited proceeding to modify and continue incentive mechanism by Florida Power & Light Company

Docket No. 160088-EI

Filed: July 21, 2016

**CITIZENS' RESPONSES TO FLORIDA POWER & LIGHT COMPANY'S  
SECOND SET OF REQUESTS FOR ADMISSIONS (NO. 24)**

Citizens, by and through its undersigned counsel, hereby responses to Florida Power & Light Company, Second Set of Requests for Admissions (No. 24) to the Office of Public Counsel ("OPC").

All documents will be made available by OPC for inspection and review by FPL at Room 812, 111 South Madison Street, Tallahassee, Florida, during regular business hours, 8 a.m. to 5 p.m., Monday through Friday, as a mutually convenient time, upon reasonable notice of OPC's counsel.

**GENERAL OBJECTIONS**

A. With respect to the "Definitions" and "Instructions" in the requests, Citizens object to any definitions or instructions that are inconsistent with Citizens' discovery obligations under applicable rules. If some question arises as to Citizens' discovery obligations, Citizens will comply

with applicable rules and not with any of FPL's definitions or instructions that are inconsistent with those rules.

B. Citizens object to each and every request to the extent it is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests. Any responses provided by Citizens are provided subject to, and without waiver of, the foregoing objection.

C. Citizens also object to any request that purports to require Citizens or its experts to prepare studies, analyses, or to do work for FPL that has not been done for Citizens.

D. Citizens generally object to any request that calls for information prepared in anticipation of litigation or hearing, for data or 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.

E. Citizens reserve the right to supplement any of its responses if Citizens cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if Citizens later discover additional responsive information in the course of this proceeding.

F. By making these responses herein, Citizens do not concede that any request is relevant to this action or is reasonably calculated to lead to the discovery of admissible evidence. Citizens expressly reserve the right to object to further discovery into the subject matter of any of these requests, to the introduction of evidence of any response or portion thereof, and to supplement its responses should further investigation disclose responsive information.

G. In responding to these discovery request, Citizens have made a reasonable inquiry of those persons likely to possess information responsive thereto and has conducted a reasonable search of those records in Citizens' possession, custody, or control where the requested

information would likely be maintained in the ordinary course of business. To the extent that Commission staff's requests ask Citizens to go to greater lengths, Citizens object because such requests are overly broad, unduly burdensome, and unreasonable.

H. Citizens object to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available to FPL through normal procedures.

I. Citizens object to any request that purports to require disclosure of the Public Counsel deliberative process and internal reviews to determine what if any issues to protest in any case. The Public Counsel is authorized by Section 350.0611, Florida Statutes, to represent the customers before the Commission. The Legislature granted the Public Counsel the following specific power:

To recommend to the commission or the counties, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission or the counties and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission or counties, . . .

The Public Counsel's decision-making and grant of discretion to take any position he deems in the public interest is not subject to review or an issue in this case. Thus, any such request is not relevant nor can it be reasonably calculated to lead to the discovery of admissible evidence.

J. In responding to these Requests, Citizens do not waive the foregoing objections, or any specific objections that are set forth in the responses to particular requests.

## ADMISSIONS

1. Please admit that, as a result of OPC's statutory duty under Florida Statute 350.061 to represent all citizens of the State of Florida, OPC does not intend to take position(s) in this proceeding on the cost of service and rate design issues that would result in a shift of cost responsibility from one customer class to another customer class.

**OPC RESPONSE:** Admit that OPC represents all customers of FPL pursuant to Section 350.611, Florida Statutes. Deny to the extent that the Public Counsel's ultimate formulation of his legal strategy, by and through the Office of Public Counsel (OPC), is a matter of work product and is thus privileged. The OPC's positions on issues will be formulated over the time allowed under the law before we disclose our positions on any issues in the case after thorough consideration of all facts and circumstances of the case. We are aware that historically this office has under certain circumstances taken positions on rate design issues when in the judgment of the Public Counsel such action was warranted. See, Section 350.611, Florida Statutes.



Patricia A. Christensen  
Associate Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399

(850) 488-9330

Attorney for the Citizens  
of the State of Florida

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to the following parties on this 21<sup>st</sup> day of July, 2016:

Suzanne Brownless  
Adria Harper / Danijela Janjic  
Kyesha Mapp / Margo Leathers  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[sbrownle@psc.state.fl.us](mailto:sbrownle@psc.state.fl.us)

Ken Hoffman  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1858  
[ken.hoffman@fpl.com](mailto:ken.hoffman@fpl.com)

John T. Butler  
R. Wade Litchfield  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
[john.butler@fpl.com](mailto:john.butler@fpl.com)  
[wade.litchfield@fpl.com](mailto:wade.litchfield@fpl.com)

Jon C. Moyle, Jr.  
118 North Gadsden Street  
Tallahassee, FL 32301  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)

K. Wiseman/M. Sundback/W. Rappolt  
Andrews Law Firm  
1350 I Street NW, Suite 1100  
Washington DC20005  
[kwiseman@andrewskurth.com](mailto:kwiseman@andrewskurth.com)  
[msundback@andrewskurth.com](mailto:msundback@andrewskurth.com)  
[wrappolt@andrewskurth.com](mailto:wrappolt@andrewskurth.com)

Derrick Price Williamson  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)

Stephanie U. Roberts  
Spilman Thomas & Battle, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC 27103  
[sroberts@spilmanlaw.com](mailto:sroberts@spilmanlaw.com)


Federal Executive Agencies  
Thomas A. Jernigan  
c/o AFCEC/JA-ULFSC  
139 Barnes Drive, Suite 1  
Tyndall AFB FL32403  
[Thomas.Jernigan.3@us.af.mil](mailto:Thomas.Jernigan.3@us.af.mil)



John B. Coffman, LLC  
Coffman Law Firm  
871 Tuxedo Blvd.  
St. Louis MO63119-2044  
[john@johncoffman.net](mailto:john@johncoffman.net)

Jack McRay  
AARP Florida  
200 W. College Ave., #304  
Tallahassee FL32301  
[jmcray@aar.org](mailto:jmcray@aar.org)

Robert Scheffel Wright/John T. LaVia,  
III Gardner Law Firm  
1300 Thomaswood Drive  
Tallahassee FL32308  
[schef@gbwlegal.com](mailto:schef@gbwlegal.com)  
[jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)



---

Patricia A. Christensen  
Associate Public Counsel