

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Petition for )  
 Determination of Need for an ) DOCKET NO. 981042-EM  
 Electrical Power Plant in Volusia )  
 County by the Utilities Commission, ) FILED: OCTOBER 26, 1998  
 City of New Smyrna Beach, Florida, )  
 and Duke Energy New Smyrna Beach )  
 Power Company Ltd., L.L.P. )  
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UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH'S OBJECTIONS  
TO FLORIDA POWER & LIGHT COMPANY'S SECOND REQUEST  
FOR PRODUCTION OF DOCUMENTS (14-28)

The Utilities Commission, City of New Smyrna Beach, Florida ("Utilities Commission") pursuant to the Order Establishing Procedures issued in this docket on September 4, 1998, hereby respectfully submits its objections to Florida Power & Light Company's ("FPL") Second Request for Production of Documents (Nos. 14-28) which were served on the Utilities Commission on October 14, 1998.

GENERAL OBJECTIONS

The Utilities Commission objects to FPL's Second Request for Production of Documents (Nos. 14-28) on the grounds set forth in paragraphs A through C below. Each of the Utilities Commission's responses will be subject to and qualified by these general objections.

A. The Utilities Commission objects to the production of documents in the offices of FPL's attorneys, Steel Hector and Davis, L.L.P., at 215 South Monroe Street, Suite 601, Tallahassee, Florida 32301. Pursuant to Rule 1.350, Florida

Rules of Civil Procedure, ("F.R.C.P."), which is made specifically applicable to this proceeding by Uniform Rule 28-106.206, Florida Administrative Code ("F.A.C."), the requested documents that are not subject to another objection will be produced where those documents are kept in the usual course of business or at a place that is mutually acceptable to the parties.

B. The Utilities Commission objects to FPL's request that the documents be produced no later than 14 days after service. Rule 1.350, F.R.C.P., requires that documents be produced within 30 days of service of a request to produce. However, in the spirit of compromise, the Utilities Commission stated in its Response in Opposition to FPL's Motion to Expedite Discovery and Motion for Alternate Discovery Schedule, filed with the Commission on October 19, 1998, that it will agree to respond to discovery requests, including FPL's, within 20 days of service.

C. The Utilities Commission objects to the production of any documents that constitute attorney work product or are subject to the attorney-client privilege.

#### **SPECIFIC OBJECTIONS**

The Utilities Commission makes the following specific objection to FPL's Second Request for Production of Documents (Nos. 14-28). The Utilities Commission's specific objections are numbered to correspond with the numbers of FPL's requests to produce.

27. The Utilities Commission objects to this request on the

ground that it is overbroad and not reasonably calculated to lead to the discovery of admissible evidence. As stated, this production request would encompass all ordinances or resolutions implementing any special assessments ever imposed by the City of New Smyrna Beach on any taxpayer or property-holder, for any purpose whatsoever. If FPL wishes to propound a reasonably circumscribed production request that appears reasonably calculated to lead to the discovery of admissible evidence, the UCNSB will endeavor to respond to such request.

Respectfully submitted this 26th day of October, 1998.



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Attorneys for the Utilities Commission,  
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and

Duke Energy New Smyrna Beach Power  
Company Ltd., L.L.P.

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 981042-EM**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (\*) or by United States Mail, postage prepaid, on the following individuals this 26th day of October, 1998:

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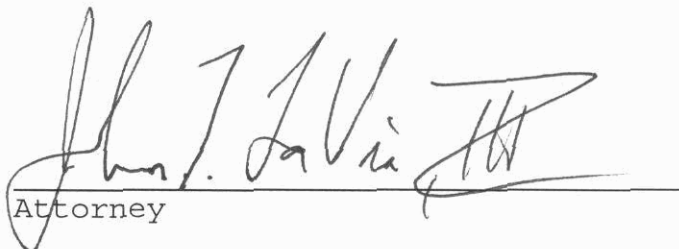
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