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September 20, 1999

Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, Florida 32399-0850

By Hand Delivery

RECORDS AND
REPORTING
SEP 20 PM 4:50
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Re: DOCKET NO. 981890-EU

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") in Docket No. 981890-EU are the original and fifteen (15) copies of Objections to FIPUG's First Set of Interrogatories to Florida Power & Light Company.

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

Very truly yours,

Charles A. Guyton

Charles A. Guyton

Enclosure

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Generic Investigation) DOCKET NO. 981890-EU
Into the Aggregate Electric) DATE: September 20, 1999
Utility Reserve Margins Planned)
for Peninsular Florida)

**FLORIDA POWER & LIGHT COMPANY'S
OBJECTIONS TO FIPUG'S FIRST SET OF INTERROGATORIES
TO FLORIDA POWER & LIGHT COMPANY (NOS. 1-16)**

Florida Power & Light Company ("FPL"), pursuant to Order No. PSC-99-0760-PCO-EU (without waiving its continued position that the conduct of this investigation as a proceeding to determine substantial interests is improper) objects to FIPUG'S FIRST SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT COMPANY (NOS. 1-16) in Docket No. 981890-EU.

GENERAL OBJECTION

This docket is not appropriate for discovery because it is a generic investigation proceeding. The Commission has voted to conduct an investigation. The investigation is preliminary to agency action (the Commission has not taken agency action or proposed agency action). Under the Administrative Procedure Act, an investigation is not to be conducted as a §120.57 proceeding. Section 120.57(5), Fla. Stat. (1997) ("This section does not apply to agency investigations preliminary to agency action.") Similarly, under the Uniform Rules of Procedure adopted pursuant to the APA, the rules governing decisions determining substantial interests, Chapter 28-106, do not

apply to “agency investigations or determinations of probable cause preliminary to agency action.” Rule 28.106.101, F.A.C. Discovery in Commission proceedings is limited to proceedings in which substantial interests are being determined. Since an investigation is not, under the APA, a proceeding in which substantial interests are determined and the rules governing the determination of substantial interests do not apply, discovery is not appropriate in this investigation.

FPL objects to the instructions provided to the extent they are inconsistent with or go beyond the requirements of the Florida Rules of Civil Procedure.

SPECIFIC OBJECTIONS

1. Discovery in the form of interrogatories is not appropriate in a Commission investigation. The question is vague. It is not clear what is meant by the term “curtailments” or the phrase “the non-firm load that FPL proposes to exclude in its proposed reserve margin calculation.” FPL has a curtailable rate that is a non-firm service. It is unclear whether the term curtailments refers to FPL’s curtailable rate or has some broader meaning. FPL does not understand the phrase “the non-firm load that FPL proposes to exclude in its proposed reserve margin calculation.” Please provide the reference to FPL’s testimony or some other FPL document from which this phrase is taken.

2. Discovery in the form of interrogatories is not appropriate in a Commission investigation. FPL further objects to this request as unduly burdensome. FIPUG has accessible to it reports at the Florida Public Service Commission that provide this information. It is just as easy for FIPUG to pull this information off those reports as it is for FPL.

3. Discovery in the form of interrogatories is not appropriate in a Commission investigation. FPL further objects to this request as unduly burdensome. FIPUG has accessible to it reports at the Florida Public Service Commission that provide this information. It is just as easy for FIPUG to pull this information off those reports as it is for FPL.

4. Discovery in the form of interrogatories is not appropriate in a Commission investigation.

5. Discovery in the form of interrogatories is not appropriate in a Commission investigation.

6. Discovery in the form of interrogatories is not appropriate in a Commission investigation. FPL further object that the question is vague since no assumption is stated as to when the customers would give notice to change to firm service. FPL further objects on the ground that it has not performed the calculation requested not would it perform such a ridiculous calculation in the ordinary course of business and it is just as easy for FIPUG as it would be for FPL to perform such a calculation.

7. Discovery in the form of interrogatories is not appropriate in a Commission investigation. FPL further objects on the ground that the question is vague in that curtailment is not defined and it is not readily discernable whether the term relates to FPL's curtailable rate or has some broader meaning.

8. Discovery in the form of interrogatories is not appropriate in a Commission investigation.

9. Discovery in the form of interrogatories is not appropriate in a Commission investigation. FPL further objects on the ground that more information is needed to respond to the question. For instance, there is no identification of other states, the conditions that led to “power shortages”, or the conditions that exist in Florida. The question as stated is too broad to answer. Moreover, FPL cannot answer the question as to Florida in its entirety, only as to its service territory, if additional factors were provided.

10. Discovery in the form of interrogatories is not appropriate in a Commission investigation. FPL further requests clarification as to whether the term “request” would include an interruption under an interruptible rate or exercise of load control. FPL further objects to the extent that the question calls for FPL to identify each time the Company has requested large firm or interruptible customers to reduce their load through DSM initiatives and programs. FPL regularly requests such conservation, and it would be unduly burdensome to attempt to document each specific instance.

11. Discovery in the form of interrogatories is not appropriate in a Commission investigation.

12. Discovery in the form of interrogatories is not appropriate in a Commission

investigation. Please explain what is meant by the phrase “the capacity margin calculation preferred by NERC” and the basis for the premise of your question that a certain calculation is preferred by NERC.

13. Discovery in the form of interrogatories is not appropriate in a Commission investigation.

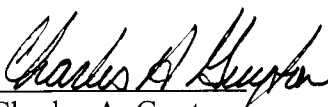
14. Discovery in the form of interrogatories is not appropriate in a Commission investigation.

15. Discovery in the form of interrogatories is not appropriate in a Commission investigation.

16. Discovery in the form of interrogatories is not appropriate in a Commission investigation.

Respectfully submitted,

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& Light Company

By: 
Charles A. Guyton

**CERTIFICATE OF SERVICE
DOCKET NO. 981890-EU**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Objections to FIPUG's First Set of Interrogatories to Florida Power & Light Company was furnished by Hand Delivery* or U.S. Mail this 20th day of September, 1999 to the following:

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