

Eric Fryson

From: Kim Hancock [khancock@moylelaw.com]
Sent: Monday, July 23, 2012 10:34 AM
To: Filings@psc.state.fl.us
Cc: Keino Young; John.Butler@fpl.com; kwiseman@andrewskurth.com; wrappolt@andrewskurth.com; lpurdy@andrewskurth.com; kelly.jr@leg.state.fl.us; mcglathlin.joseph@leg.state.fl.us; Rehwinkel.charles@leg.state.fl.us; Christensen.Patty@leg.state.fl.us; Noriega.tarik@leg.state.fl.us; Merchant.Tricia@leg.state.fl.us; schef@gbwlegal.com; karen.white@tyndall.af.mil; jwhendricks@sti2.com; saporito3@gmail.com; danlarson@bellsouth.net; bgarner@ngnlaw.com; barmstrong@ngnlaw.com; karen.white@tyndall.af.mil; Paul.woods@algenol.com; Quang.ha@algenol.com; pat.ahlm@algenol.com; seahorseshores1@gmail.com; Vicki Kaufman; Jon Moyle
Subject: Docket No. 120015-EI

Attachments: FIPUG Objections to FPL 2nd ROGs (4) & 4th (3rd) PODs (5) 7.23.12.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

a. The name, address, telephone number and email for the person responsible for the filing is:

Vicki Gordon Kaufman
 Moyle Law Firm, P.A.
 The Perkins House
 118 North Gadsden Street
 Tallahassee, FL 32301
 (850) 681-3828
vkaufman@moylelaw.com

b. This filing is made in Docket No. 120015-EI.

c. The document is filed on behalf of Florida Industrial Power Users Group.

d. The total pages in the document are 5 pages.

e. The attached document is FLORIDA INDUSTRIAL POWER USERS GROUP'S OBJECTIONS TO FLORIDA POWER AND LIGHT COMPANY'S SECOND SET OF INTERROGATORIES (NO. 4) AND FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 5).

Kim Hancock
khancock@moylelaw.com



The Perkins House
 118 North Gadsden Street
 Tallahassee, Florida 32301
 850-681-3828 (Voice)
 850-681-8788 (Fax)

DATE

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7/23/2012

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 120015-EI

Filed: July 23, 2012

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
OBJECTIONS TO FLORIDA POWER AND LIGHT COMPANY'S
SECOND SET OF INTERROGATORIES (NO. 4) AND
FOURTH¹ REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 5)**

Pursuant to Order No. PSC- 12-0143-PCO-EI, the Florida Industrial Power Users Group (FIPUG) submits the following Objections to Florida Power & Light Company's (FPL) Second Set of Interrogatories (No. 4) and Fourth [Third] Request for Production of Documents (No. 5).

I. General Objections

FIPUG asserts the following general objections to FPL's Second Set of Interrogatories (No. 4) and Fourth [Third] Request for Production of Documents (No. 5). Each of FIPUG's objections will be subject to and qualified by these general objections:

1. FIPUG objects to each and every individual discovery request, to the extent it calls for 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, whether such privilege or protection appears at the time response is first made or is later determined to be applicable for any reason. FIPUG in no way intends to waive any such privilege or protection.

2. FIPUG objects to each individual request to the extent it requires production of information that is proprietary, confidential business information without provisions in place to

¹ It appears that FPL has mislabeled this set of discovery as its Third Request for Production when it is actually its Fourth Request for Production.

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protect the confidentiality of the information. FIPUG in no way intends to waive claims of confidentiality.

3. FIPUG objects to any definitions or instructions accompanying the discovery requests to the extent that they are inconsistent with and expand the scope of discovery specified in the Florida Rules of Civil Procedure that are incorporated into the Model Rules of Procedure or the Commission's rules on discovery. If some question arises as to FIPUG's discovery obligations, FIPUG will comply with applicable rules and not with any of the definitions or instructions accompanying the discovery requests that are inconsistent with or exceed the requirements of those rules. Furthermore, FIPUG objects to any discovery request that calls for FIPUG to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

4. FIPUG objects to any definition or instruction in any discovery request that seeks interrogatory answers containing information from persons or entities who are not parties to this proceeding or that are not subject to discovery under applicable rules.

5. It is possible that not every relevant document may have been reviewed or considered in developing FIPUG's responses to the discovery requests. Rather, FIPUG will provide all the information that FIPUG obtained after a good faith, reasonable and diligent search conducted in connection with these discovery requests. To the extent that the discovery requests propose to require more, FIPUG objects to the requests individually and collectively on the grounds that compliance would impose an undue burden or expense on FIPUG.

6. FIPUG objects to each discovery request to the extent that it seeks information that is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

7. FIPUG objects to each and every discovery request to the extent it is vague, ambiguous, overly broad, burdensome, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests.

8. FIPUG expressly reserves and does not waive any objections it may have to the admissibility, authenticity or relevancy of the information provided in its responses to the subject discovery requests.

9. FIPUG objects to each and every request to the extent it seeks information for periods back to 1999 or earlier. Such information is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, research about and collection of such information would be unduly burdensome.

10. FIPUG objects to any request that requires the creation of new data, documents or studies.

11. FIPUG objects to providing information already in the public record, that is as easily accessible to FPL as to FIPUG, or that is already in FPL's possession.

12. FIPUG objects to every discovery request to the extent the information sought constitutes "trade secrets" which are privileged pursuant to sections 90.506 and 366.093(3)(a), Florida Statutes.

II. Specific Objections

13. FIPUG specifically objects to Interrogatory No. 4 which seeks information related to the business relationship between FIPUG and its consultant. Such information is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence in this case. FIPUG further objects on the basis that such information is privileged, confidential trade secret information.

14. FIPUG specifically objects to Production Request No. 5 which seeks information related to the business relationship between FIPUG and its consultant. Such information is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence in this case. FIPUG further objects on the basis that such information is privileged, confidential trade secret information.

s/ Vicki Gordon Kaufman

Vicki Gordon Kaufman
Jon C. Moyle, Jr.
Moyle Law Firm, P.A.
Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 681-3828
Facsimile: (850) 681-8788
vkaufman@moylelaw.com
jmoyle@moylelaw.com

Attorneys for Florida Industrial Power Users Group

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing The Florida Industrial Power Users Group's Objections to Florida Power and Light Company's Second Set of Interrogatories (No. 4) and Fourth [Third] Request For Production of Documents (No. 5) has been furnished by electronic mail and U.S. Mail this 23rd day of July 2012, to the following:

Keino Young
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

John T. Butler
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408-0420

Kenneth Wiseman/Mark Sundback
Andrews Kurth LLP
13501 I Street NW, Suite 1100
Washington, DC 20005

J.R Kelly
Joe McGlothlin
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Wiener, Wadsworth, Bowden,
Bush, Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308

Karen White
Federal Executive Agencies
AFLOA/JACL-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403

John W. Hendricks
367 S. Shore Dr.
Sarasota, FL 34234

Mr. & Mrs. Daniel R. Larson
16933 W. Harlena Dr.
Loxahatchee, FL 33470

Thomas Saporito
6701 Mallards Cove Rd. APT 28H
Jupiter, Florida 33458

William C. Garner
Brian P. Armstrong
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, Florida 32308

Paul Woods
Quang Ha
Patrick Ahlm
Algenol Biofuels Inc.
28100 Bonita Grande Drive, Suite 200
Bonita Springs, FL 24135

Larry Nelson
312 Roberts Road
Nokomis, FL 34275

s/ Vicki Gordon Kaufman

Vicki Gordon Kaufman