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September 3, 2002

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-VIA FEDERAL EXPRESS-

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

Re: Docket Nos. 020262-EI and 020263-EI

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company in Docket Nos. 020262-EI and 020263-EI are the original and seven copies of:

Florida Power & Light Company's Objections to and Request for Clarification of CPV Gulfcoast, Ltd.'s Second Request for Production of Documents (Nos. 18-27) and Third Set of Interrogatories (Nos. 78-117).

I have also enclosed a disk of the above-referenced filing. If there are any questions regarding this filing, please contact me at 305-577-2859.

Very truly yours,



Robert L. Powell, Jr., Esq.

AUS _____ Enclosures
CAF _____ cc: Counsel for Parties of Record
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
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09319 SEP-4 2002

FPSC-COMMISSION CLERK

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Petition of Florida Power & Light
Company for a determination of need for
a power plant proposed to be located
in Martin County**

Docket No. 020262-EI

**In re: Petition of Florida Power & Light
Company for a determination of need for
a power plant proposed to be located
in Manatee County**

**Docket No. 020263-EI
Dated: September 3, 2002**

**FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS TO
AND REQUESTS FOR CLARIFICATION OF CPV GULF COAST,
LTD.'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS
(NOS. 18-27) AND THIRD SET OF INTERROGATORIES (NOS. 78-117)**

Florida Power & Light Company ("FPL") hereby submits the following objections to and requests for clarification of CPV Gulfcoast, Ltd.'s ("CPV Gulfcoast's") Second¹ Request for Production of Documents (Nos. 18-27) and Third Set of Interrogatories (Nos. 78-117).

I. Preliminary Nature of These Objections

The objections stated herein are preliminary in nature and are made at this time consistent with procedural Order PSC-02-0992-PCO-EI of the Florida Public Service Commission ("Commission"), which requires a respondent to raise objections or requests for clarification within ten days of receipt of discovery requests. Should additional grounds for objection be discovered as FPL develops its response, FPL reserves the right to supplement or modify its objections up to the time it serves its responses. Should FPL determine that a protective order is necessary regarding any of the requested information, FPL reserves the right to file a motion with the Commission seeking such an order.

¹ CPV Gulfcoast mistakenly called this request for production of documents its third, but it is actually CPV Gulfcoast's Second Request for Production of Documents and FPL will refer to it as such.

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FPSC-COMMISSION CLERK

II. General Objections

FPL objects to CPV Gulfcoast's Interrogatories for exceeding the limit imposed by Order No. PSC-02-0992-PCO-EI, which states that "interrogatories, including all subparts, shall be limited to 150." FPL has calculated that CPV Gulfcoast has asked at least 162 interrogatories, including subparts. Using a broader definition of subpart would bring CPV Gulfcoast to many more interrogatories than this count. Nonetheless, FPL will answer CPV Gulfcoast's Second Set of Interrogatories, but gives CPV Gulfcoast notice that FPL will not answer any more interrogatory questions from CPV Gulfcoast.

FPL objects to each and every one of the requests for documents or information that 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. FPL in no way intends to waive such privilege or protection.

FPL objects to providing information that is proprietary, confidential business information without provisions in place to protect the confidentiality of the information. FPL has not had sufficient time to make a final determination of whether the discovery requests call for the disclosure of confidential information. However, if it determines that any of the discovery requests would require the disclosure of confidential information, FPL will either file a motion for protective order requesting confidential classification and procedures for protection or take other actions to protect the confidential information requested. FPL in no way intends to waive claims of confidentiality.

FPL is a large corporation with employees located in many different locations. In the course of its business, FPL creates numerous documents that are not subject to Commission's or other governmental record retention requirements. These documents are kept in numerous locations and frequently are moved from site to site as employees change jobs or as business is reorganized. Therefore, it is possible that not every relevant document may have been consulted in developing FPL's response. Rather, FPL's responses will provide all the information that FPL obtained after a reasonable and diligent search conducted in connection with this discovery request. To the extent that the discovery requests propose to require more, FPL objects on the grounds that compliance would impose an undue burden or expense on FPL.

FPL objects to CPV Gulfcoast's Requests for Production and Interrogatories to the extent that they call for the creation of information, rather than the reporting of presently existing information, as purporting to expand FPL's obligation under the law.

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

FPL notes that the cumulative effect of the many discovery requests in these proceedings make CPV Gulfcoast's requests for irrelevant or marginally relevant information or documents overly burdensome. Even if an individual request on its own may not seem overly burdensome, the fact that FPL is responding to numerous requests with overlapping expedited deadlines creates a cumulative burden on FPL, which must be taken into account when looking at whether responding to a discovery request is overly burdensome.

CPV Gulfcoast has objected to a number of discovery requests that FPL has propounded upon it, but has turned around and asked FPL some of the very same questions to which it has

objected. FPL objects to responding to these discovery requests on the basis that CPV Gulfcoast is making these requests in order to harass FPL.

Numerous of the discovery requests are not expressly limited to data or analyses performed in connection with the evaluation of the Martin and Manatee projects that are the subjects of these dockets. FPL assumes that, unless expressly stated to the contrary, CPV Gulfcoast's discovery requests are intended to refer to data or analyses related to those projects and objects to the extent that any such discovery requests are not so limited, on the grounds that they would be overly broad, irrelevant and burdensome.

FPL objects to CPV Gulfcoast's definition of "RFP" in its Request for Production to the extent it includes the initial Request for Proposal issued on August 13, 2001, because that Request for Proposal is irrelevant to these proceedings. FPL will respond to CPV Gulfcoast's Requests for Production only insofar as they relate to the Supplemental Request for Proposal issued on April 26, 2002.

FPL incorporates by reference all of the foregoing general objections into each of its specific objections set forth below as though stated therein.

III. Specific Objections and Request for Clarification – Requests for Production

Request for Production No. 22. FPL objects to this request because it seeks documents related to evaluating FPL's initial Request for Proposal, which is not the subject of these proceedings and is irrelevant. FPL will provide CPV Gulfcoast with documents responsive to this request only insofar they relate to evaluating FPL's Supplemental Request for Proposal.

IV. Specific Objections and Request for Clarification – Interrogatories

Interrogatory No. 80. This interrogatory seeks the names of each person who prepared or assisted in the preparation of the answers to these interrogatories. FPL objects to providing all of

the participating individuals as overly broad and unduly burdensome, but will provide affidavits of the individuals sponsoring each answer.

Interrogatory Nos. 85 and 86. FPL objects to these interrogatories because they seek confidential proprietary information in the nature of trade secrets regarding FPL's cost estimating tools and its component level prices. FPL's vendors require that the terms and conditions of its combustion and steam turbine and HRSG contracts be kept confidential. FPL can only secure favorable terms and conditions for its combustion and steam turbines and HRSG contracts if the vendors with whom it negotiates are confident that the terms and conditions they are providing will not become public knowledge and then be used against them in subsequent negotiations with other prospective customers. Some of the parties to this docket, including those that have signed the nondisclosure agreement, may be prospective customers for the types of combustion and steam turbines and HRSGs detailed in documents responsive to these interrogatories. FPL further objects that these interrogatories require the generation of new information because FPL does not itemize every component in excess of \$10,000 in the normal course of business. Notwithstanding and without waiver of these objections, FPL will refer CPV Gulfcoast to documents which explain FPL's allegations regarding the estimated direct costs of the proposed Martin 8 and Manatee 3 units.

Interrogatory No. 93. FPL objects to this interrogatory because it is overly broad, unduly burdensome, and irrelevant to any issue in these proceedings. The Ft. Lauderdale units are of a different type than the units at issue in these proceedings and use different combustion turbine technology.

Interrogatory No. 105. FPL objects to CPV Gulfcoast's characterization of its response to CPV Gulfcoast's Interrogatory Nos. 67 and 68. Contrary to CPV Gulfcoast's statement, FPL

did not indicate that there are no engineering, procurement and construction contracts for either Fort Myers repowering or Sanford repowering. Rather, FPL indicated that there was no EPC contract for either project. FPL further objects to this interrogatory because it seeks confidential proprietary information in the nature of trade secrets regarding FPL's contractual arrangements with its engineers, suppliers, and constructors. FPL's vendors require that the terms and conditions of its contracts for engineering, construction services, and components, including combustion and steam turbines and HRSGs be kept confidential. FPL can only secure favorable terms and conditions if the vendors with whom it negotiates are confident that the terms and conditions they are providing will not become public knowledge and then be used against them in subsequent negotiations with other prospective customers. Some of the parties to this docket, including those that have signed the nondisclosure agreement, may be prospective customers for the types of goods and services detailed in information responsive to this interrogatory. Notwithstanding and without waiver of these objections, FPL will provide an organizational diagram depicting the arrangements by which the Fort Myers and Sanford repowering projects were repowered, but will not identify and produce any documents reflecting those arrangements.

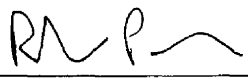
Interrogatory Nos. 106 and 107. FPL objects to the level of detail required to answer these interrogatories by use of the term "identify" as defined by CPV Gulfcoast because this level of detail makes these interrogatories overly broad and unduly burdensome. FPL further objects that the level of detail required by these interrogatories seeks the disclosure of confidential proprietary information in the nature of trade secrets regarding FPL's contractual arrangements with its engineers, suppliers, and constructors. FPL's vendors require that the terms and conditions of its contracts for engineering, construction services, and components, including combustion and steam turbines and HRSGs be kept confidential. FPL can only secure

favorable terms and conditions if the vendors with whom it negotiates are confident that the terms and conditions they are providing will not become public knowledge and then be used against them in subsequent negotiations with other prospective customers. Some of the parties to this docket, including those that have signed the nondisclosure agreement, may be prospective customers for the types of goods and services detailed in information responsive to these interrogatories. Notwithstanding and without waiver of these objections, FPL will provide a table for each project, which itemizes the number of contract change orders issued against each of the purchase orders let by FPL during the course of the projects.

Respectfully submitted,

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By: 
Robert L. Powell, Jr.
Florida Bar No. 0195464

CERTIFICATE OF SERVICE
Docket Nos. 020262-EI and 020263-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Objections to and Request for Clarification of CPV Gulfcoast's Second Request for Production of Documents (Nos. 18-27) and Third Set of Interrogatories (Nos. 78-117) have been furnished electronically (*) and by U.S. Mail this 3rd day of September, 2002, to the following:

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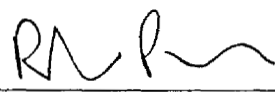
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