

Diamond Williams

From: Mary Davis [MD@beggslane.com]
Sent: Wednesday, September 28, 2011 3:14 PM
To: Filings@psc.state.fl.us
Cc: Caroline Klancke; cguyton@gunster.com; chris.thompson.2@tyndall.af.mil; sayler.erik@leg.state.fl.us; kelly.jr@leg.state.fl.us; Jeffrey Stone; jmoyle@kagmlaw.com; mcglothlin.joseph@leg.state.fl.us; Karen.white@tyndall.af.mil; Keino Young; Keith L. Harris (klharris@southern.com); Martha Barrera; rick@rmelsonlaw.com; schef@gbwlegal.com; Russell Badders; Steven R. Griffin; sdriteno@southernco.com; merchant.tricia@leg.state.fl.us; vkaufman@kagmlaw.com
Subject: E-filings - Docket 110138-EI
Attachments: Objections to OPCs 6th ROG.pdf

- a. Person responsible for this electronic filing:

Steven R. Griffin
 Beggs & Lane
 P.O. Box 12950
 501 Commendencia Street
 Pensacola, FL 32576-2950
 (850)432-2451
srg@beggslane.com

- b. Docket 110138-EI

In re: Petition for increase in rates by Gulf Power Company

- c. Document being filed on behalf of Gulf Power Company
- d. There are 5 pages to Gulf's Objections
- e. The document attached for electronic filing is Gulf's Objections to OPC's Sixth Interrogatories (Nos. 226-259)

Mary E. Davis
 Legal Assistant to Jeffrey A. Stone,
 Russell A. Badders and Steven R. Griffin
 Beggs & Lane
 501 Commendencia Street
 Pensacola, FL 32502
 (850)432-2451
 Fax (850)469-3331
md@beggslane.com

CONFIDENTIALITY NOTICE: This e-mail and any files transmitted with it are confidential and are intended solely for the use and benefit of the individual or entity to which they are addressed. This communication may contain material protected by the attorney-client privilege. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error, and that any use, dissemination, forwarding, printing, or copying of e-mail is strictly prohibited. If you received this e-mail in error, please immediately notify Beggs & Lane, RLLP by return e-mail or at telephone number (850)432-2451 ext. 4221.

DOCUMENT NUMBER-DATE

07017 SEP 28 =

9/28/2011

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for increase in rates by Gulf
Power Company.

Docket No. 110138-EI
Dated: September 28, 2011

**GULF POWER COMPANY'S OBJECTIONS TO CITIZENS' SIXTH
INTERROGATORIES TO GULF POWER (NOS. 226-259)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, Gulf Power Company ("Gulf") hereby serves its objections to Florida Citizens' ("OPC") Sixth Interrogatories to Gulf Power Company (Nos. 226-259, and together "the Requests") and states as follows:

GENERAL OBJECTIONS

With respect to any "Definitions" and "Instructions" in OPC's Interrogatories, Gulf objects to any definitions or instructions that are inconsistent with Gulf's discovery obligations under applicable rules. If some question arises as to Gulf's discovery obligations, Gulf will comply with applicable rules and not with any of OPC's definitions that are inconsistent with those rules. Gulf also objects to any request that calls for information that is not within the scope of discovery under the applicable rules and law. Furthermore, Gulf objects to any definition or request that seeks to encompass persons or entities other than Gulf who are not parties to this action and thus are not subject to discovery. Information of affiliated companies, including the Southern Company, that is directly relevant to Gulf's rate request, including information regarding transactions or cost allocations among Gulf and its affiliated companies may be provided, upon request. Otherwise, no responses to the requests will be made on behalf of persons or entities other than Gulf. Gulf objects to any request that calls for Gulf to perform analyses that it has not otherwise performed in support of its case and would not normally

perform in the ordinary course of its business because there is no such requirement under the applicable rules and law.

Additionally, Gulf generally objects to OPC's requests to the extent that they call 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. Gulf will provide a privilege log in accordance with the applicable law or as may be agreed to by the parties to the extent, if at all, that any request calls for the production of privileged or protected information.

Further, in certain circumstances, Gulf may determine upon investigation and analysis that information responsive to certain requests to which objections are not otherwise asserted is confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to provide such information in response to such a request, Gulf is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement, protective order, or the procedures otherwise provided by law or in the Order Establishing Procedure. Gulf hereby asserts its right to require such protection of any and all information that may qualify for protection under the Florida Rules of Civil Procedure, the Order Establishing Procedure, and all other applicable statutes, rules and legal principles.

Gulf generally objects to OPC's interrogatories to the extent that they call for the production of documents on the ground that such a request is beyond the scope of Rule 1.340 of the Florida Rules of Civil Procedure.

Gulf also objects to any request that calls for projected data or information beyond the year 2012 because such data or information is wholly irrelevant to this case and has no bearing

on this proceeding, nor is such data or information likely to lead to the discovery of admissible evidence.

Gulf further objects to any request that categorizes years 2010 and 2011 as “test years.” In this proceeding, there is a historic period (2010), a prior year (2011) and a test year (2012).

By making these general objections at this time, Gulf does not waive or relinquish its right to assert additional general and specific objections to OPC’s discovery at the time Gulf’s response is due under the Florida Rules of Civil Procedure and the Order Establishing Procedure. Gulf provides these general objections at this time to comply with the intent of the Order Establishing Procedure to reduce the delay in identifying and resolving any potential discovery disputes.

SPECIFIC OBJECTIONS

1. Gulf Power objects to interrogatory number 247 to the extent that it directs Gulf Power identify “all” accounts in which the costs identified in response to OPC interrogatory 56 are included. The substantial majority of these costs is included in a single account, which Gulf Power can and will identify. The remaining costs are assigned to a multitude of O&M and capital accounts based on SCS labor charges. Identifying these specific accounts and the amounts charged thereto would be unduly burdensome insofar as this would require hundreds of man hours to identify all SCS workorders billed to Gulf each year (hundreds if not thousands of workorders annually), identify which of those orders contain SCS labor charges, and from those workorders, isolate the system air component of the total corporate service cost which was billed. Once those amounts were identified, Gulf would then need to review each workorder and determine the specific accounts to which the orders were assigned.

Respectfully submitted this 28th day of September, 2011.

JEFFREY A. STONE

Florida Bar No. 325953

RUSSELL A. BADDERS

Florida Bar No. 007455

STEVEN R. GRIFFIN

Florida Bar No. 627569

Beggs & Lane

P. O. Box 12950

501 Commendencia Street

Pensacola, FL 32576-2950

(850) 432-2451

CHARLES A. GUYTON

Florida Bar No. 398039

Gunster, Yoakley & Stewart, P.A.

215 South Monroe Street, Suite 618

Tallahassee, FL 32301

(850) 521-1980

RICHARD D. MELSON

Florida Bar No. 201243

705 Piedmont Drive

Tallahassee, FL 32312

(850) 894-1351

Attorneys for Gulf Power Company

BY: s/ Steven R. Griffin

Steven R. Griffin

Fla. Bar No. 627569

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this 28th day of September, 2011 to all counsel of record as indicated below:

Office of Public Counsel
J. R. Kelly/Joseph A. McGlothlin/Erik
c/o The Florida Legislature
111 W. Madison Street,
Room 812
Tallahassee, FL 32393-1400
Kelly.jr@leg.state.fl.us
mcglathlin.joseph@leg.state.fl.us
Sayler.erik@leg.state.fl.us
merchant.tricia@leg.state.fl.us

Caroline Klancke/Keino Young/Martha
Barrera
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850
mbarrera@psc.state.fl.us
cklancke@psc.state.fl.us
kyoung@psc.state.fl.us

Florida Retail Federation
227 South Adams Street
Tallahassee, FL 32301

Robert Scheffel Wright/John T. La Via,
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com

Gunster Law Firm
Charles A. Guyton
215 S. Monroe St.,
Suite 618
Tallahassee, FL 32301
cguyton@gunster.com

Richard Melson
705 Piedmont Drive
Tallahassee, FL 32312
rick@rmelsonlaw.com

Florida Industrial Power
Users Group
Vicki G. Kaufman/Jon C. Moyle,
Jr.
c/o Keefe Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
vkaufman@kagmlaw.com
jmoyle@kagmlaw.com

Federal Executive Agencies
c/o Major Christopher C.
Thompson
Ms. Karen White
AFLOA/JACL-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base,
Florida 32403
chris.thompson.2@tyndall.af.mil
karen.white@tyndall.af.mil

BY: s/ Steven R. Griffin
Steven R. Griffin
Fla. Bar No. 627569