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**Subject:** E-filing - Docket 110138-EI  
**Attachments:** Objections to Staffs 25 ROGs.pdf

a. Person responsible for this electronic filing:

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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 Staff's Twenty-Fifth Interrogatories (Nos. 286-309)

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FPSC-COMMISSION CLERK

11/28/2011

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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

**GULF POWER COMPANY'S OBJECTIONS TO STAFF'S TWENTY-FIFTH  
INTERROGATORIES TO GULF POWER (NOS. 286-309)**

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 the Staff of the Florida Public Service Commission's ("Staff") Twenty-Fifth Interrogatories to Gulf Power Company (Nos. 286-309, and respectively, and together "the Requests") and states as follows:

**GENERAL OBJECTIONS**

With respect to any "Definitions" and "Instructions" in Staff'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 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 Staff'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 request. 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. 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 Staff'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. In addition, Gulf reserves the right to supplement any of its responses to Staff's interrogatories if Gulf cannot produce documents immediately due to their magnitude and the work required to aggregate them, or if Gulf later discovers additional responsive documents in the course of this proceeding.

Gulf also objects to any request that calls for projected data or information beyond the year 2012 because such data or information is 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.

By making these general objections at this time, Gulf does not waive or relinquish its right to assert additional general and specific objections to Staff'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 objects to parts b, c and d of Interrogatory No. 287 on the ground that each subpart would require Gulf to perform a study that neither Gulf nor Dr. Vander Weide has performed. The Commission Staff has the same access to the requested information as does Gulf. Under the circumstances, requiring Gulf to perform such studies would be unduly burdensome and would exceed the obligations imposed on it by the discovery rules.

2. Gulf objects to parts a and b of Interrogatory No. 299 on the ground that neither Gulf nor Dr. Vander Weide has information on the "average 'ratemaking capital structure'" of the companies referenced in these questions. To answer either part would require Gulf to perform the studies requested in Interrogatory No. 287. As indicated in Gulf's objection to that interrogatory, the Commission Staff has the same access to the requested information as does Gulf and, under the circumstances, requiring Gulf to perform such studies would be unduly burdensome and would exceed the obligations imposed on it by the discovery rules.

Respectfully submitted this 28th day of November, 2011.

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**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 November, 2011 to all counsel of record as indicated below:

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