

One Energy Place
Pensacola, Florida 32520

Tel 850.444.6111



February 18, 1999

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0870

971006-EG

Dear Ms. Bayo:

Enclosed are an original and fifteen copies of the Objections, Motion for Protective Order and Written Response to Legal Environmental Assistance Foundation, Inc.'s Second Set of Interrogatories (Nos. 7-79) and Second Request For Production of Documents (Nos. 1-42) by Gulf Power Company.

Sincerely,

Linda G. Malone
Assistant Secretary and Assistant Treasurer

- ACK _____
- AFA _____
- APP _____ lw
- CAF _____ Enclosures
- CMU _____
- CTR _____ cc: Beggs & Lane
Jeffrey A. Stone, Esquire
- EAG** _____
- LEG 1
- LIN 5
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

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In re: Adoption of numeric conservation goals by Gulf Power Company

Docket No.: 971006-EG
Filed: February 18, 1999

**OBJECTIONS, MOTION FOR PROTECTIVE ORDER
AND WRITTEN RESPONSE TO
LEGAL ENVIRONMENTAL ASSISTANCE FOUNDATION INC.'S
SECOND SET OF INTERROGATORIES (NOS. 7-79)
AND SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-42)
BY GULF POWER COMPANY**

Gulf Power Company ("Gulf Power", "Gulf", or "the Company"), by and through its undersigned attorneys and pursuant to Florida Public Service Commission Order No. PSC-98-0384-PCO-EG ("Procedural Order"), submits the following Objections, Motion for Protective Order and Written Response to Legal Environmental Assistance Foundation Inc.'s ("LEAF") Second Set of Interrogatories (Nos. 7-79) and Second Request for Production of Documents (Nos. 1-42), and in support of this petition, the Company states:

(1) The Procedural Order sets forth a ten (10) day notice requirement with regard to objections to and clarifications of discovery requests made in the above referenced docket. LEAF's second set of interrogatories and second request for production of documents to Gulf ask for a total of over 150 responses, including sub-parts. Gulf is currently reviewing the interrogatories and requests for production of documents, but has not been able within the required ten (10) days to determine with certainty whether it has objections to or needs further clarification of the interrogatories and/or request for production of documents. The objections stated herein are preliminary in nature and should additional grounds for objections be discovered as Gulf reviews its responses to the interrogatories and the requests for production of

documents, Gulf hereby reserves the right to supplement, revise or modify its objections prior to March 15, 1999, the due date of the Company's responses. In addition, should the Company determine in its review of its responses that any of the requested information is confidential or proprietary business information, Gulf reserves the right to file a motion seeking a protective order with regard to that information.

(2) This document serves as Gulf's written response to LEAF's Second Request for Production of Documents which must be filed on March 15, 1999. Gulf hereby reserves the right to supplement, revise and/or modify its written response by March 15, 1999, to the extent it becomes so warranted during the Company's further review of the documents requested and whether such documents exist.

(3) Gulf endeavors to be cooperative and reasonably responsive to the interrogatories and requests for production of documents propounded by LEAF. Many of the requests propounded by LEAF appear to be broader than the subject matter of this docket. Gulf will respond to all relevant discovery requests which are reasonably related to the subject matter of this docket. Where a particular request is clearly overbroad, unclear or otherwise subject to objection, Gulf will state its objection to the request, then identify and offer to produce those documents which the Company believe are relevant and within the reasonable scope of discovery.

(4) Gulf makes the following general objections to LEAF's Second Set of Interrogatories and Second Request for Production of Documents ("discovery requests").

(a) Gulf objects to each and every discovery request insofar as the request is vague, overly broad, imprecise or utilize terms that are subject to multiple interpretations

but are not properly defined or explained. Gulf also objects to each and every discovery request to the extent to which responding to the request would be unduly burdensome, expensive, oppressive or excessively time consuming.

- (b) Gulf objects to each and every discovery request insofar as the request calls for information which is exempt from discovery as being subject to the attorney/client privilege, work product privilege, or any other applicable privilege.
- (c) Gulf objects to each and every discovery request insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding. In addition, Gulf objects to each and every discovery request insofar as it seeks to impose obligations which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.
- (d) Gulf objects to each and every discovery request insofar as it requests the production of information or documentation to the extent that such information or documentation is already in the public record and available to LEAF through normal procedures.
- (e) Gulf objects to each and every discovery request insofar that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. Each and every discovery request insofar that the information requested constitutes proprietary business information, Gulf will make the information available to LEAF pursuant to an appropriate non-disclosure agreement, subject to any other general or specific objections discussed herein.

(f) The responses provided by Gulf to LEAF's discovery requests is all of the information that Gulf obtained after a reasonable and diligent search of Company files and records which would be reasonably expected to contain the requested information. To the extent that the discovery requests purpose to require more, Gulf objects on the grounds that compliance would impose an undue burden or expense on the Company.

(5) Gulf's objects to LEAF's discovery requests are submitted pursuant to the authority contained in Slatnick v. Leadership Housing Systems of Florida, Inc., 368 So. 2d 79 (Fla. 3rd DCA 1979). To the extent that a Motion for a Protective Order is required, Gulf's objections are to be construed as a request for a Protective Order.

(6) In addition to and without waiving the foregoing general objections, Gulf makes the following specific objections and responses to LEAF's Second Set of Interrogatories:

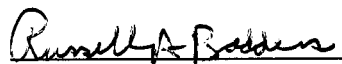
- (a) Gulf objects to Interrogatory No. 28 in that it calls for information not relevant to the subject matter of this docket.
- (b) Gulf objects to Interrogatory No. 40 in that it calls for information not relevant to the subject matter of this docket.
- (c) Gulf objects to Interrogatory Nos. 56, 57, 58 in that they call for information which is not relevant to the subject matter of this docket. Gulf intends to comply with all governmentally imposed environmental laws and regulations.
- (d) Gulf objects to Interrogatory Nos. 71, 72, 73, 74 and 75 in that they call for information which is not relevant to the subject matter of this docket.
- (e) Gulf objects to Interrogatory No. 78 in that it is unclear as to what information is

being sought by LEAF. Gulf will confer with LEAF in an effort to obtain clarification of what is being requested.

(7) In addition to and without waiving the foregoing general objections, Gulf makes the following specific objections and responses to LEAF's Second Request for Production of Documents:

- (a) Gulf objects to Document Request No. 33 in that it requests the production of information that is proprietary and confidential. Gulf will make the information available to LEAF pursuant to an appropriate non-disclosure agreement.
- (b) Gulf objects to Document Request No. 36 in that it requests the production of copyrighted information that is proprietary and confidential.

Respectfully submitted this 13th day of February, 1999.



JEFFREY A. STONE

Florida Bar No. 325953

RUSSELL A. BADDERS

Florida Bar No. 007455

Beggs & Lane

P. O. Box 12950

Pensacola, FL 32576-2950

(850) 432-2451

Attorneys for Gulf Power Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Adoption of numeric Conservation Goals by Gulf Power Company)
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Docket No. 971006-EG

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been furnished this 18th day of February 1999 by U.S. Mail or hand delivery to the following:

Leslie J. Paugh, Esquire
Staff Counsel
FL Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0863

Vicki Kaufman, Esq.
McWhirter, Reeves, McGlothlin,
Davidson Rief and Bakas, P.A.
117 S. Gadsden Street
Tallahassee FL 32301

Gail Kamaras, Esquire
LEAF, Inc.
1114 Thomasville Rd, Suite E
Tallahassee FL 32303-6290

Jack Shreve, Esq.
Office of Public Counsel
111 W. Madison St., Room 812
Tallahassee FL 32399-1400

John W. McWhirter, Esq.
McWhirter, Reeves, McGlothlin,
Davidson Rief and Bakas, P.A.
P. O. Box 3350
Tampa FL 33601-3350


James A. McGee, Esq.
Florida Power Corporation
P. O. Box 14042
St. Petersburg FL 33733

Bill Willingham, Esquire
Rutledge, Ecenia, Underwood,
Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee FL 32302-0551

Jon Wallach
Resource Insight
347 Broadway
Cambridge MA 02139-1715

James D. Beasley, Esquire
Ausley & McMullen
P. O. Box 391
Tallahassee FL 32302

Charles Guyton, Esquire
Steel, Hector & Davis
215 S. Monroe St., Suite 601
Tallahassee FL 32301-1804


JEFFREY A. STONE
Florida Bar No. 325953
RUSSELL A. BADDERS
Florida Bar No. 0007455
Beggs & Lane
P. O. Box 12950
Pensacola FL 32576
850 432-2451
Attorneys for Gulf Power Company