

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause

Docket No. 20190007-EI

Filed: October 9, 2019

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SIERRA CLUB'S  
NOTICE OF TAKING DEPOSITION DUCES TECUM

To:

Russell A. Badders  
Vice President & Associate General Counsel  
Gulf Power Company  
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Holly J. Henderson  
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Per Rule 1.310, Florida Rules of Civil Procedure, Sierra Club hereby gives notice that it will take the deposition duces tecum of Gulf Power Company through the Company's designated representative named below:

NAME	DATE AND TIME	LOCATION
Gulf Power Company through its designated representative Mr. Richard M. Markey	Tuesday, October 15, 2019 at 10 a.m. CST	Taylor Reporting Services, Inc. 21 East Garden Street, Suite 200 Pensacola, FL 32502

The deponent should bring copies of all the work papers and other materials used or reviewed by the deponent in their assistance in the preparation of any current or planned filing by the company in this docket, or used or being used by the deponent in their review of the

preparation of any discovery requests or responses to any discovery requests in this docket, including all the materials sent to parties because of discovery requests in this docket. The deponent should also bring copies of the documents identified in the addendum to this notice. A notary public will be available to swear in the deponent.

The deposition shall be taken upon oral examination before an official court reporter or other officer authorized by law to take depositions. The deposition is being taken for purposes of discovery, for use at trial, or for any other purpose that is allowed under the Florida Rules of Civil Procedure, the Uniform Rules of Procedure, and the Rules of the Florida Public Service Commission.

Gulf Power Company will be deposed on the subject matter and positions that it has taken in this docket concerning its request for approval of 2020 projected expenditures of \$23,234,491 for its ownership portion of projects to clean up waste from burning coal at Plant Daniel in Mississippi.

The deponent must appear in person at the location specified in this notice. A telephonic conference line, with a phone number of 866-501-6174 and a code of 1906913#, will be available if a party wishes to participate telephonically.

In accordance with the Americans with Disabilities Act, persons who need a special accommodation to participate at this deposition should, no later than five days prior to the deposition, contact the Office of Commission Clerk at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or 850-413-6770 (Florida Relay Service, 1-800-955-8770 Voice or 1-800-955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

Please govern yourselves accordingly.

*/s/ Diana A. Csank*

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*Qualified Representatives for Sierra Club*

## ADDENDUM: REQUESTED DOCUMENTS

The deponent should bring copies of the following documents:

- The restated and amended Plant Daniel operating agreement between Gulf Power Company and Mississippi Power Company, dated January 1, 2019.
- Any and all economic analysis underlying Gulf Power Company's decision to "retire" its undivided interest in Plant Daniel by January 15, 2024, as stated in the Company's notice letter of January 15, 2019, to Mississippi Power Company.
- Any and all analysis or other support underlying Gulf Power Company's response to Citizen's interrogatory no. 2, including analysis and support for the cost projections in the file titled "Plant Daniel ECRC OM Summary.xls" that the Company provided in response to Citizen's corresponding document request no. 2.
- Any and all analysis of Gulf Power Company's options to comply with the U.S. Environmental Protection Agency's coal combustion residuals rule ("CCR rule"), including the option to cease the operation of the coal-burning boilers in Plant Daniel units 1 and 2 by October 2023.
- Any and all analysis of the reliability implications of ceasing the operation of the coal-burning boilers in Plant Daniel units 1 and 2 before or after October 2023, especially analysis of any resulting transmission constraints and potential solutions for the same.
- Any and all analysis or other support for the statement on page 6 of Gulf Power Company's 2020 projection petition that "[t]he activities described in the testimony of Mr. Markey are reasonable and necessary to achieve or maintain compliance with environmental requirements applicable to Gulf Power Company," and that "the actual or

projected costs resulting from the described compliance activities are also reasonable and necessary.”

- Any and all analysis or other support for the need to move forward, specifically, in 2020 with expenditures for Gulf’s ownership portion of the Plant Daniel CCR projects.
- Any and all communication between Gulf Power Company and Southern Company and its affiliates, especially Mississippi Power Company, related to CCR rule compliance for Plant Daniel, including communication before the rule was promulgated in 2015.
- Any and all analysis identifying the undepreciated costs of Plant Daniel, including analysis of the impact on these costs of moving forward with the CCR projects.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically on this 9th day of October, 2019 on:

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*/s/ Diana A. Csank*

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*Qualified representative for Sierra Club*