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March 26, 1993

Mr. Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850

via Hand Delivery

Re: Application for Determination of Need for an
Intrastate Natural Gas Pipeline; Docket #920807-GP

Dear Mr. Tribble:

Enclosed for filing please find an original and fifteen copies of SunShine Pipeline Partners Objections to First Request for Production of Documents Submitted by Intervenor Florida Gas Transmission Company and Motion for Protective Order for the above-referenced docket.

You will also find a copy of this letter enclosed. Please date-stamp the copy of the letter to indicate that the original was filed and return a copy to me.

ACK _____ If you have any questions regarding this matter, please feel
AFA | free to contact me. Thank you for your assistance in processing
APP _____ this filing.

Respectfully,

HABEN, CULPEPPER, DUNBAR
& FRENCH, P.A.

Peter M. Dunbar/tmz

Peter M. Dunbar

CAF _____
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CTR _____
EAG | _____
LEG | _____
LIN | 6 _____
OPC _____
RCH _____
SEC | _____
WAS _____
OTH _____

PMD/tmz
Enclosures

cc: All parties of record

FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
03386 MAR 26 93
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for)
Determination of Need for)
an Intrastate Natural Gas)
Pipeline by SunShine)
Pipeline Partners)
_____)

Docket No.: 920807-GP
Filed: March 26, 1993

SUNSHINE PIPELINE PARTNERS OBJECTIONS TO FIRST REQUEST FOR PRODUCTION OF DOCUMENTS SUBMITTED BY INTERVENOR FLORIDA GAS TRANSMISSION COMPANY AND MOTION FOR PROTECTIVE ORDER

SunShine Pipeline Partners ("SunShine"), the Applicant in this proceeding, objects to the production of certain categories of documents described in the First Request for Production of Documents of Intervenor Florida Gas Transmission Company ("FGT"), served on SunShine on March 24, 1993, and requests the entry of an order that such discovery not be made pursuant to Florida Administrative Code Rule 25-22.034 and Rule 1.280(c) of the Florida Rules of Civil Procedure. In accordance with the Order establishing procedures in this docket entered March 16, 1993, prior to filing these objections, SunShine, through its attorneys of record, has conferred with the attorneys of record for FGT in an effort to reach an agreement with respect to SunShine's objections to FGT's document production requests, to no avail.

The specific FGT document production request to which SunShine objects, and SunShine's grounds for such objection are as follows:

1. SunShine objects to request Nos. 1, 2, 3, 4, 9, 11 and 14 to the extent that each of such requests seek the production of documents and information that would serve to identify SunShine's prospective customers and obtain competitively sensitive

information concerning the nature and status of SunShine's dealings and negotiations with those customers. SunShine has stated in its Application that it will provide specific information with respect to its contractual arrangements with all of its customers when those contractual arrangements are complete. SunShine has agreed with FPSC Staff to produce in redacted form all letters of intent with customers, and will produce those documents to FGT. Information with respect to matters that precede the execution of letters of intent or contracts for capacity on the SunShine Pipeline is not relevant or material to the subject matter of this proceeding or to any issue which the Commission must decide in making its determination of need for the SunShine Pipeline, nor are such requests reasonably calculated to lead to the discovery of evidence which would be admissible herein. The risk that disclosure of such information to FGT, even under a protective order, would provide FGT an undue competitive advantage far exceeds any potential benefit that FGT would derive from having such information.

Separately, SunShine objects to request Nos. 1 and 9 on the ground that such requests are interrogatories, not requests for document production. SunShine should not be obligated to prepare any documents in order to respond to a document production request.

2. SunShine objects to document production request No. 6 on the ground that it seeks documents and information which are irrelevant and immaterial to the subject matter of this proceeding or to any issue which the Commission must decide in making its

determination of need for the SunShine Pipeline, nor are such requests reasonably calculated to lead to the discovery of evidence which would be admissible herein. Whether or not the SunShine Pipeline is economically feasible is a matter that will be determined ultimately in the market, rather than by Commission order.

3. SunShine objects to document production request Nos. 7, 12, 13, 17 and 18 on the ground that they seek documents and information that are irrelevant and immaterial to the subject matter of this proceeding or to any issue which the Commission must decide in making its determination of need for the SunShine Pipeline, nor are such requests reasonably calculated to lead to the discovery of evidence which would be admissible herein. The matter of SunShine's rates is initially a matter solely between SunShine and its shippers, subject to later review by the Commission in a proceeding for that purpose under the Natural Gas Transmission Pipeline Intrastate Regulatory Act.

Similarly, the matter of transportation rates for gas supplies from supply basins to the SunShine pipeline system, and the wellhead prices in those basins, are to be initially determined between SunShine, its customers, and its prospective customers. SunShine will be a transportation only pipeline, and the determination of sources of supply will rest solely with its customers.

Information with respect to rates for service on and prices of gas accessible by the Gateway Pipeline that is in the hands of SunShine's affiliates is likely to be sensitive business information of a strategic nature and not appropriately the subject of discovery in this proceeding.

SunShine has no way of knowing what "expenditures" request No. 16 addresses, but operating expenses, which are also addressed in request no. 16, relate only to the cost of service of the SunShine pipeline, which in turn relates to the rates for service on the SunShine Pipeline. As already pointed out, the matter of SunShine's rates is not before the Commission in this proceeding, and will be the subject matter of subsequent proceedings.

4. SunShine objects to document request No. 8 on the ground that the requested documents and information are not relevant or material to the subject matter of this proceeding or to any issue which the Commission must decide in making its determination of need for the SunShine Pipeline, nor is such request reasonably calculated to lead to the discovery of evidence which would be admissible herein. This is not a comparative proceeding in which the Commission is considering whether to issue a certificate of need to either the SunShine project or some unknown FGT project; the Natural Gas Transmission Intrastate Pipeline Regulatory Act does not provide for comparative proceedings with respect to certificates of need. FGT has chosen to operate its pipeline business outside of the jurisdiction of the Commission, and has

made no application to certificate any pipeline project with which the SunShine project can be compared.

5. SunShine objects to document production request No. 10 on the ground that SunShine is not the custodian of and has no right to possession of documents answerable to this request, and on the further ground that on its face it is directed to information that is irrelevant to the subject matter of this proceeding, nor is such request reasonably calculated to lead to the discovery of evidence admissible herein. The contractual or other relationships of Electric Fuels Corporation and International Marine Terminal have absolutely nothing to do with a determination of need for the SunShine Pipeline.

6. SunShine objects to document production request Nos. 18 and 19 on the ground that the documents and information requested thereby are irrelevant and immaterial to the subject matter of this proceeding, and to any issue which the Commission must decide in determining the need for the SunShine Pipeline, nor is such information reasonably calculated to lead to the discovery of evidence admissible herein. The negotiations between ANR Southern Pipeline Company and Power Energy Services Corporation with respect to the SunShine Pipeline Partners general partnership, and between ANR Southern Pipeline Company and Power Interstate Energy Services Corporation with respect to the SunShine Interstate Pipeline Partners partnership has nothing to do with the issue of whether a certificate of need should be issued for the SunShine pipeline project, nor would such information address any matter within the

Commission's purview under the Natural Gas Transmission Pipeline Intrastate Regulatory Act.

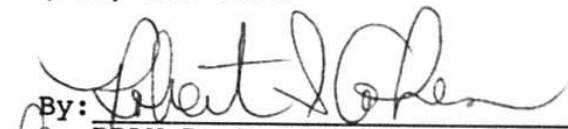
7. SunShine objects to document production request No. 20 on the grounds that it is so over-broad and all inclusive as to be unduly burdensome, that it is wholly premature at this stage of the proceeding, and that it is wholly inappropriate in light of the expedited procedural schedule pursuant to which the Commission is processing SunShine's Application for certificate of need in this docket. There is no conceivable way that SunShine can now know all of the documents upon which its witnesses may rely in formulating their opinions and/or testimony at the hearing. Indeed, since the intervenors have not even filed their prepared direct testimony, SunShine cannot know with certainty who its witnesses will be. FGT is not entitled to require that SunShine share with FGT its attorneys' work product as it is developed in the course of its prosecution of its Application. It is inappropriate in the extreme to expect parties operating under a compressed hearing schedule to undertake the undue burden of providing other parties copies of documents as they are prepared or identified.

WHEREFORE, SunShine respectfully requests that the hearing officer issue an order relieving it of any obligation to respond the above specified requests for production of documents and for

such other and further relief to which it may be entitled in the premises.

RESPECTFULLY SUBMITTED this 26th day of March, 1993.

HABEN, CULPEPPER, DUNBAR
& FRENCH, P.A.
Post Office Box 10095
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(904) 222-3533

By: 
for BRAM D. E. CANTER

Counsel for: SunShine Pipeline
Partners

**CERTIFICATE OF SERVICE
DOCKET NO. 920807-GP**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by U.S. Mail or hand delivery(*) on this 26th day of March, 1993, to the following parties of record:

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