

ORIGINAL



JACK SHREVE
PUBLIC COUNSEL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison St.
Room 812
Tallahassee, Florida 32399-1400
850-488-9330

December 17, 2001

Blanca S. Bayo, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-FPSC
01 DEC 17 PM 4:19
COMMISSION
CLERK

Re: Docket No. 010949-EI

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket is a copy of Citizens' Fourth Request for Production of Documents to Gulf Power Company (No 66).

Please indicate the time and date of receipt on the enclosed duplicate of this letter.

Sincerely,

Stephen C. Burgess,
Deputy Public Counsel

SCB:bsr

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Rate Increase)
by Gulf Power Company)
_____)

Docket No.: 010949-EI
Date: December 17, 2001

CITIZENS' FOURTH REQUEST FOR PRODUCTION
OF DOCUMENTS TO GULF POWER COMPANY (NO 66)

Pursuant to Section 350.0611(1), Florida Statutes, Rule 28-106.206, Florida Administrative Code and Rule 1.350, Florida Rules of Civil Procedure, Florida's Citizens ("Citizens"), by and through Jack Shreve, Public Counsel, request Gulf Power ("Gulf", "Utility" or "Company") to produce the following documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, or at such other place as may be mutually agreed upon by counsel, within the time frame allowed by rule.

INSTRUCTIONS

1. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information; date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.
2. If the Company has possession, custody, or control of the originals of the documents requested, please produce the originals or a complete copy of the originals and all copies which are different in any way from the original, whether by interlineation, receipt stamp or notation. If the Company does not have possession, custody, or control of the originals of the documents requested, please produce any copies in the possession, custody, or control, however made, of the Company.

DOCUMENT NUMBER-DATE

15718 DEC 17 01

FPSC-COMMISSION CLERK

3. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be construed to be outside the scope.
4. If you object to any discovery requests, in whole or part, on the basis of confidentiality, please strictly follow the provisions of Florida Public Service Commission Rule 25-22.006 requiring a motion for a protective order no later than the date the response is otherwise due and urging all parties to seek mutual agreement before bringing a controversy to the Commission.
5. Unless otherwise indicated in the discovery request, only documents created on or after January 1, 1994 are requested.

DEFINITIONS

1. “Document” or “documents” means any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.
2. As used herein “you” and “your” means the Company together with its officers, employees, consultants, agents, representatives, attorneys (unless privileged), and any other person or entity acting on behalf of the Company.

3. Words in the past tense include the present, and words in the present tense include the past. Use of the singular includes the plural, and use of the masculine includes the feminine where appropriate, and vice versa.
4. If there is any document or other tangible item described by this request which is no longer in your possession, custody, or control, or is no longer in existence or accessible to you, please indicate:
 - (a) the date and nature of the disposition of such document or other tangible item, including, but not limited to, whether such: (i) is missing or lost, (ii) has been destroyed, or (iii) has been transferred to another person;
 - (b) the circumstances surrounding such disposition, including any authorization thereof; and
 - (c) where applicable, the person currently in possession, custody, or control of such document or item.
5. Usage of acronyms, abbreviations, or other symbolic terms are to be taken as having the same meaning as the common usage of those terms in the regulation of utilities in the state of Florida have assigned to them.

DOCUMENTS REQUESTED

66. Please provide the Incentive Compensation Plan currently in effect for the Company.

CERTIFICATE OF SERVICE
DOCKET NO. 010949-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Citizens' Third Request for Production of Documents to Gulf Power Company (No 66) has been furnished by hand-delivery(*) or U.S. Mail to the following parties on this 17th day of December, 2001.

Marlene K. Stern, Esquire*
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Florida Public Service Commission
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