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Attachments: GP Objections to SACE 2nd ROGs.pdf

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(b) Docket 120002-EG

In Re: Energy Conservation Cost Recovery Clause

(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 Power Company's Objections to SACE's Second Interrogatories to Gulf Power (Nos. 17-18)

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Energy conservation cost recovery
clause.

Docket No. 120002-EG
Dated: September 20, 2012

**GULF POWER COMPANY'S OBJECTIONS TO SACE'S SECOND
INTERROGATORIES TO GULF POWER (NOS. 17-18)**

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 Southern Alliance for Clean Energy's ("SACE") Second Interrogatories to Gulf Power Company (Nos. 17-18, and respectively, and together "the Requests") and states as follows:

GENERAL OBJECTIONS

With respect to any "Definitions" and "Instructions" in SACE'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 of SACE's 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. Gulf objects to any request that calls for Gulf to perform analyses that it has not otherwise performed 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 SACE'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 agreement and protective order, if at all. 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 by means of a confidentiality agreement, protective order, or the procedures otherwise provided by law or in the Order Establishing Procedure. 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 SACE'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.

By making these general objections at this time, Gulf does not waive or relinquish its right to assert additional general and specific objections to SACE'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

Interrogatory 18(b): Gulf objects to this interrogatory on the grounds that it is vague, overbroad and seeks information which is not reasonably calculated to lead to the discovery of admissible evidence. Specifically, this interrogatory directs Gulf to identify and describe “any” document that has been created during the review of each program’s goal achievement for 2011 and 2012. As noted in Gulf’s response to SACE’s First Set of Interrogatories, No. 2, Gulf reviews each program’s achievements on a continual basis. Literal compliance with this request would result in identification of hundreds if not thousands of documents created in 2011 and 2012 --including customer rebate applications, contractor invoices, routine correspondence with customers/vendors, etc.-- which have no relevance to Gulf’s monitoring goal achievement. Notwithstanding the foregoing objection, Gulf will produce documents which are reviewed and relied upon by Gulf management in monitoring each program’s goal achievement.

Respectfully submitted this 20th day of September, 2012.

/s/ Steven R. Griffin _____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 20th day of September, 2012 to all parties of record as indicated below.

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