

Shawna Senko

From: Mary Davis <MD@beggslane.com>
Sent: Tuesday, August 20, 2013 11:17 AM
To: Filings@psc.state.fl.us
Cc: Suzanne Brownless; Martha Barrera; Charles Murphy; Caroline Klancke; J. R. Kelly; Charles J. Rehwinkel; Joseph A. McGlothlin; Jon C. Moyle, Jr.; Karen A. Putnal; Gregory J. Fike; Christopher Thompson; Thomas Jernigan
Subject: E-filing - Docket Nos. 130140-EI, 130151-EI and 130092-EI
Attachments: Gulf Power Response to OPC's Motion to Consolidate e-signature.pdf; Gulf Power Response to OPC's Motion to Consolidate.pdf

- A. Person responsible for this electronic filing:
Jeffrey A. Stone
Beggs & Lane
Post Office Box 12950
501 Commendencia Street
Pensacola, FL 32576-2950
(850)432-2451
jas@beggslane.com
- B. DOCKET NO. 130140-EI – Petition for Rate Increase by Gulf Power Company
DOCKET NO. 130151-EI - In re: 2013 depreciation and dismantlement study by Gulf Power Company
DOCKET NO. 130092-EI - In re: Petition of Gulf Power Company to include the Plant Daniel Bromine and ACI
Project, the Plant Crist Transmission Upgrades Project, and the Plant Smith Transmission Upgrades Project in the Company's program, and approve the costs associated with these compliance strategies for recovery through the ECRC.
- C. Document being filed on behalf of Gulf Power Company
- D. Document consists of 8 pages.
- E. The document attached for electronic filing is Gulf Power Company's Response to Citizens' Motion to Consolidate Docket Nos. 130140-EI, 130151-EI, and 130092-EI For Purposes of Single Evidentiary Hearing and Citizens' Motion to Enlarge Number of Discovery Requests Authorized by Order No. PSC-13-0342-PCO-EI

Thank you for your attention and assistance in this matter.

Mary E. Davis

Assistant to Jeffrey A. Stone, Russell A. Badders,
And Steven R. Griffin
Beggs & Lane, RLLP
501 Commendencia Street
Pensacola, FL 32502
Phone: (850) 432-2451 | Fax: (850) 469-3331
md@beggslane.com | beggslane.com

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Gulf Power Company

DOCKET NO. 130140-EI

In re: 2013 depreciation and dismantlement study by Gulf Power Company

DOCKET NO. 130151-EI

In re: Petition of Gulf Power Company to include the Plant Daniel Bromine and ACI Project, the Plant Crist Transmission Upgrades Project, and the Plant Smith Transmission Upgrades Project in the Company's program, and approve the costs associated with these compliance strategies for recovery through the ECRC.

DOCKET NO. 130092-EI

FILED: August 20, 2013

GULF POWER COMPANY'S RESPONSE TO

CITIZENS' MOTION TO CONSOLIDATE DOCKET NOS. 130140-EI, 130151-EI, AND 130092-EI FOR PURPOSES OF SINGLE EVIDENTIARY HEARING

AND

CITIZENS' MOTION TO ENLARGE NUMBER OF DISCOVERY REQUESTS AUTHORIZED BY ORDER NO. PSC-13-0342-PCO-EI

Gulf Power Company ("Gulf Power," "Gulf," or "the Company"), by and through its undersigned attorneys, hereby responds to the motion to consolidate Docket Nos. 130140-EI, 130151-EI, and the transmission line aspects of 130092-EI for purposes of a single evidentiary hearing and the associated motion to enlarge the number of discovery requests filed by the Office of Public Counsel ("OPC") as a single pleading on August 16, 2013. As noted in section III of OPC's pleading:

- Gulf Power supports the motion to consolidate Docket No. 130140-EI and the transmission aspects of 130092-EI.
- Gulf opposes the request to consolidate as it relates to Docket No. 130151-EI.

- Gulf opposes the motion to enlarge the number of discovery requests authorized by Order No. PSC-13-0342-PCO-EI.

In support of its positions on OPC's motions, the Company states:

CONSOLIDATION OF ASPECTS OF MATS COMPLIANCE PLAN WITH RATE CASE

1. Through two separate petitions that have become the subject of Docket Nos. 130092-EI and 130140-EI respectively, Gulf Power has requested authority to recover costs associated with specific planned transmission system upgrades related to compliance with the federal Mercury and Air Toxics Standards ("MATS") through either the Environmental Cost Recovery Clause ("ECRC") mechanism or through a prospective adjustment to the Company's base rates. The first petition was filed by the Company on April 1, 2013 and resulted in the establishment of Docket No. 130092-EI ("Gulf's April 1 petition"). The second petition was filed July 12, 2013 in support of the Company's request for base rate relief in Docket No. 130140-EI. Testimony in support of the Company's alternative means of cost recovery for the MATS compliance related transmission costs has been submitted in both dockets, and the Company agrees that it would be administratively efficient to consolidate into a single docket the question as to which ratemaking mechanism, ECRC or base rates, is most appropriate for the recovery of these costs. To the extent that an evidentiary hearing is needed to decide the question as to which ratemaking mechanism is most appropriate for these costs, the Company agrees that the hearings set in Docket No. 130140-EI are timely and appropriate.

2. There are two separate components of Gulf's April 1 petition regarding the transmission line aspects of Docket No. 130092-EI:

(a) The first is the approval of the transmission system upgrades related to Plant Crist (the “Plant Crist Transmission Upgrades”) and those related to Plant Smith (the “Plant Smith Transmission Upgrades”) that are being incurred in order to give the Company the ability to both comply with the new MATS environmental requirements and continue to reliably serve its customers in the Pensacola and Panama City areas as it does today with its current generation and transmission system. As presented in that petition, Gulf’s planning for compliance with MATS has determined that the Plant Crist Transmission Upgrades and the Plant Smith Transmission Upgrades outlined therein are the most cost-effective solutions for compliance with MATS that are available to the Company.

(b) The second is the question as to which ratemaking mechanism, ECRC or base rates, is most appropriate for the recovery of these costs.

OPC’s motion to consolidate appears to focus primarily, if not exclusively, on this second component of Gulf’s April 1 petition. Gulf believes that maximum administrative efficiency would be achieved if the Commission initially considers the reasonableness of pursuing the transmission solutions for Plant Crist and Plant Smith on September 24, 2013 as part of the currently scheduled Proposed Agency Action (“PAA”) process in Docket No. 130092-EI. If a protest results from whatever the Commission decides on this point at the September 24 agenda conference, such protest should then be rolled into the single evidentiary hearing requested by OPC in its motion and agreed to herein by Gulf.

3. Neither OPC’s motion nor Gulf’s agreement as to the consolidation of the transmission line aspects of Docket No. 130092-EI with Docket No. 130140-EI for a single evidentiary hearing affects the non-transmission aspects of Docket No. 130092-EI. As a result, the Plant Daniel Bromine and ACI Project would remain unconsolidated and continues to be ripe for

decision by the Commission through the PAA process in Docket No. 130092-EI on September 24.

CONSOLIDATION OF DEPRECIATION/DISMANTLEMENT DOCKET

4. Although the relationship between the transmission line aspects of Docket No. 130092-EI and Gulf's petition for base rate relief in Docket No. 130140-EI may contribute to administrative efficiency through consolidation as discussed above, the relationship between the Commission action contemplated in Docket No. 130151-EI and Gulf's request in Docket No. 130140-EI does not similarly support consolidation as a means to gain administrative efficiency.

5. The regulatory framework established by the Commission calls for the filing of studies to address depreciation rates and dismantlement accruals at least every four years. Gulf's request in Docket No. 130151-EI is simply that the depreciation rates and dismantlement accruals that result from the studies submitted as required by the Commission be approved for implementation beginning January 1, 2014.

6. The effect of the Commission's review of depreciation and dismantlement studies for Gulf at least every four years is broader than its potential impact on the Company's expenses recovered through base rates. The studies submitted for review in Docket No. 130151-EI actually impact the costs currently recovered through the ECRC mechanism and other cost recovery clauses as well non-jurisdictional wholesale operations to a far greater extent than they do the level of depreciation expense and dismantlement accruals recovered through base rates. In fact, the impact on the 2014 test year is to reduce Gulf's base rate revenue requirements by \$297 thousand while the impact on the revenue requirements addressed through the cost recovery clauses that are separate and apart from base rates is a combined increase of nearly \$6

million. In other words, the impact of the new studies on Gulf's base rate request in Docket No. 130140-EI is essentially neutral.¹

7. As has been the Commission's practice for past depreciation and dismantlement studies submitted by Gulf for at least the past 20 years, Docket No. 130151-EI has been set up to follow the PAA process for Commission resolution. In that time frame, Gulf's depreciation rates and dismantlement accruals have consistently been approved by the Commission without the need for an evidentiary hearing. Neither Gulf nor OPC can know at this date what the Commission Staff will recommend as proposed agency action in Docket No. 130151-EI. OPC's motion suggests that it will be raising issues in Docket No. 130151-EI that will require an evidentiary hearing to resolve. For its part, Gulf is not predisposed to suggest that it will protest a proposal for agency action to be made by Staff in the future nor is the Company necessarily opposed to whatever as yet unstated proposals OPC has in mind with regard to depreciation rates and dismantlement accruals for prospective application.

8. Gulf agrees that the decisions the Commission makes on the pending depreciation/dismantlement studies and proposed depreciation and dismantlement rates may bear directly on the issue of Gulf Power's total revenue requirements in Docket No. 130140-EI; in fact, Gulf's base rate increase requested in its petition in Docket No. 130151-EI reflects the impact of its proposed depreciation and dismantlement rates on the rate base and net operating income included in the 2014 test year. Nevertheless, it does not follow that consolidation of Docket No. 130151-EI with Docket No. 130140-EI is necessary to "... ensure that the parties, Staff, and Commission will not be called on to cover the same ground twice in different dockets,

¹ OPC's motion states that the new depreciation and dismantlement rates would have the effect of increasing depreciation expense and dismantlement accruals by a combined amount of \$6,197,289. This amount, which is found within the filing that is under review in Docket No. 130151-EI is an estimated total company impact in 2013. The retail 2014 test year amounts are stated in the text above.

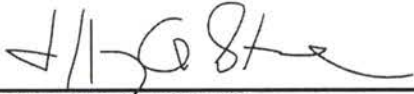
and that the decision-making occurs in a rational sequence.” To the contrary, the current framework of separate dockets to consider the disparate issues in the two proceedings remains entirely appropriate, efficient and rational as long as provision is made in the rate case proceeding for a prospective adjustment to Gulf’s base rates on a limited scope basis for any differences between the revenue requirements under the depreciation rates and dismantlement accruals assumed for purposes of setting base rates and whatever depreciation/dismantlement rates and accruals are established through the final outcome in Docket No. 130151-EI. If, in fact, it turns out that OPC’s as yet unstated proposals are so controversial that an evidentiary hearing is ultimately required, it is neither administratively efficient nor necessary to limit the opportunity for discovery and an orderly resolution of the issues raised by artificially constraining the time frame for consideration of such issues to that period required by statute for making a decision with regard to Gulf’s request for base rate relief. The statutory clock for deciding a rate case is not applicable to the Commission’s determination called for in Docket No. 130151-EI, nor should it be.

ENLARGEMENT OF AUTHORIZED DISCOVERY REQUESTS

9. OPC’s motion for enlargement of the number of discovery requests authorized by Order No. PSC-13-0342-PCO-EI in Docket No. 130140-EI is unwarranted. The consolidation of the transmission aspects of Docket No. 130092-EI with Docket No. 130140-EI does not in any way increase the number of topics that will be the subjects of discovery prior to the consolidated evidentiary hearing. For the reasons stated above, it is not administratively efficient to consolidate Docket No. 130151-EI with Docket No. 130140-EI, and therefore the arguments advanced in OPC’s motion for enlarging the number of authorized discovery requests does not apply. In any event, the request is premature in that the limits have not been reached. Raising the limits on discovery requests does not contribute to administrative efficiency but is instead

counterproductive in that it would relieve a party of the obligation to be reasonable and judicious in its use of discovery.

WHEREFORE, Gulf Power Company requests the Commission to enter an order consolidating Docket Nos. 130140-EI and the transmission line aspects of 130092-EI for purposes of a single evidentiary hearing and denying OPC's request to also consolidate Docket No. 130151-EI and further denying OPC's request to enlarge the limits on discovery requests for the consolidated dockets.



JEFFREY A. STONE

Florida Bar No. 325953
jas@beggslane.com

RUSSELL A. BADDERS

Florida Bar No. 007455
rab@beggslane.com

STEVEN R. GRIFFIN

Florida Bar No. 627569
srg@beggslane.com

Beggs & Lane

P. O. Box 12950

501 Commendencia Street

Pensacola, FL 32576-2950

(850) 432-2451

CHARLES A. GUYTON

Florida Bar No. 398039

cguyton@gunster.com

Gunster, Yoakley & Stewart, P.A.

215 South Monroe Street, Suite 618

Tallahassee, FL 32301

(850) 521-1980

RICHARD D. MELSON

Florida Bar No. 201243

rick@rmelsonlaw.com

705 Piedmont Drive

Tallahassee, FL 32312

(850) 894-1351

Attorneys for Gulf Power Company

CERTIFICATE OF SERVICE
DOCKET NOS. 130140-EI, 130151-EI, 130092-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and/or U.S. mail to the following parties on this 20th day of August, 2013 to the following:

Suzanne Brownless
sbrownle@psc.state.fl.us
Martha Barrera
mbarrera@psc.state.fl.us
Charles Murphy
cmurphy@psc.state.fl.us
Carolyn Klancke
cklancke@psc.state.fl.us
2540 Shumard Oaks Boulevard
Florida Public Service Commission
Tallahassee, FL 32399-0850

Jon C. Moyle, Jr.
jmoyle@moylelaw.com
Karen A. Putnal
kputnal@moylelaw.com
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, FL 32301

J. R. Kelly, Public Counsel
kelly.jr@leg.state.fl.us
Charles J. Rehwinkel, Deputy Public Counsel
rehwinkel.charles@leg.state.fl.us
Joseph A. McGlothlin, Associate Public Counsel
mcglothlin.joseph@leg.state.fl.us
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

Gregory J. Fike, Lt Col, USAF
gregory.fike@us.af.mil
Christopher Thompson, Maj, USAF
christopher.thompson.5@us.af.mil
Thomas Jernigan, Capt, USAF
thomas.jernigan@us.af.mil
AFLOA/JACE-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403



JEFFREY A. STONE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Gulf Power Company

DOCKET NO. 130140-EI

In re: 2013 depreciation and dismantlement study by Gulf Power Company

DOCKET NO. 130151-EI

In re: Petition of Gulf Power Company to include the Plant Daniel Bromine and ACI Project, the Plant Crist Transmission Upgrades Project, and the Plant Smith Transmission Upgrades Project in the Company's program, and approve the costs associated with these compliance strategies for recovery through the ECRC.

DOCKET NO. 130092-EI

FILED: August 20, 2013

GULF POWER COMPANY'S RESPONSE TO

CITIZENS' MOTION TO CONSOLIDATE DOCKET NOS. 130140-EI, 130151-EI, AND 130092-EI FOR PURPOSES OF SINGLE EVIDENTIARY HEARING

AND

CITIZENS' MOTION TO ENLARGE NUMBER OF DISCOVERY REQUESTS AUTHORIZED BY ORDER NO. PSC-13-0342-PCO-EI

Gulf Power Company ("Gulf Power," "Gulf," or "the Company"), by and through its undersigned attorneys, hereby responds to the motion to consolidate Docket Nos. 130140-EI, 130151-EI, and the transmission line aspects of 130092-EI for purposes of a single evidentiary hearing and the associated motion to enlarge the number of discovery requests filed by the Office of Public Counsel ("OPC") as a single pleading on August 16, 2013. As noted in section III of OPC's pleading:

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- Gulf opposes the request to consolidate as it relates to Docket No. 130151-EI.

- Gulf opposes the motion to enlarge the number of discovery requests authorized by Order No. PSC-13-0342-PCO-EI.

In support of its positions on OPC's motions, the Company states:

CONSOLIDATION OF ASPECTS OF MATS COMPLIANCE PLAN WITH RATE CASE

1. Through two separate petitions that have become the subject of Docket Nos. 130092-EI and 130140-EI respectively, Gulf Power has requested authority to recover costs associated with specific planned transmission system upgrades related to compliance with the federal Mercury and Air Toxics Standards ("MATS") through either the Environmental Cost Recovery Clause ("ECRC") mechanism or through a prospective adjustment to the Company's base rates. The first petition was filed by the Company on April 1, 2013 and resulted in the establishment of Docket No. 130092-EI ("Gulf's April 1 petition"). The second petition was filed July 12, 2013 in support of the Company's request for base rate relief in Docket No. 130140-EI. Testimony in support of the Company's alternative means of cost recovery for the MATS compliance related transmission costs has been submitted in both dockets, and the Company agrees that it would be administratively efficient to consolidate into a single docket the question as to which ratemaking mechanism, ECRC or base rates, is most appropriate for the recovery of these costs. To the extent that an evidentiary hearing is needed to decide the question as to which ratemaking mechanism is most appropriate for these costs, the Company agrees that the hearings set in Docket No. 130140-EI are timely and appropriate.

2. There are two separate components of Gulf's April 1 petition regarding the transmission line aspects of Docket No. 130092-EI:

(a) The first is the approval of the transmission system upgrades related to Plant Crist (the “Plant Crist Transmission Upgrades”) and those related to Plant Smith (the “Plant Smith Transmission Upgrades”) that are being incurred in order to give the Company the ability to both comply with the new MATS environmental requirements and continue to reliably serve its customers in the Pensacola and Panama City areas as it does today with its current generation and transmission system. As presented in that petition, Gulf’s planning for compliance with MATS has determined that the Plant Crist Transmission Upgrades and the Plant Smith Transmission Upgrades outlined therein are the most cost-effective solutions for compliance with MATS that are available to the Company.

(b) The second is the question as to which ratemaking mechanism, ECRC or base rates, is most appropriate for the recovery of these costs.

OPC’s motion to consolidate appears to focus primarily, if not exclusively, on this second component of Gulf’s April 1 petition. Gulf believes that maximum administrative efficiency would be achieved if the Commission initially considers the reasonableness of pursuing the transmission solutions for Plant Crist and Plant Smith on September 24, 2013 as part of the currently scheduled Proposed Agency Action (“PAA”) process in Docket No. 130092-EI. If a protest results from whatever the Commission decides on this point at the September 24 agenda conference, such protest should then be rolled into the single evidentiary hearing requested by OPC in its motion and agreed to herein by Gulf.

3. Neither OPC’s motion nor Gulf’s agreement as to the consolidation of the transmission line aspects of Docket No. 130092-EI with Docket No. 130140-EI for a single evidentiary hearing affects the non-transmission aspects of Docket No. 130092-EI. As a result, the Plant Daniel Bromine and ACI Project would remain unconsolidated and continues to be ripe for

decision by the Commission through the PAA process in Docket No. 130092-EI on September 24.

CONSOLIDATION OF DEPRECIATION/DISMANTLEMENT DOCKET

4. Although the relationship between the transmission line aspects of Docket No. 130092-EI and Gulf's petition for base rate relief in Docket No. 130140-EI may contribute to administrative efficiency through consolidation as discussed above, the relationship between the Commission action contemplated in Docket No. 130151-EI and Gulf's request in Docket No. 130140-EI does not similarly support consolidation as a means to gain administrative efficiency.

5. The regulatory framework established by the Commission calls for the filing of studies to address depreciation rates and dismantlement accruals at least every four years. Gulf's request in Docket No. 130151-EI is simply that the depreciation rates and dismantlement accruals that result from the studies submitted as required by the Commission be approved for implementation beginning January 1, 2014.

6. The effect of the Commission's review of depreciation and dismantlement studies for Gulf at least every four years is broader than its potential impact on the Company's expenses recovered through base rates. The studies submitted for review in Docket No. 130151-EI actually impact the costs currently recovered through the ECRC mechanism and other cost recovery clauses as well non-jurisdictional wholesale operations to a far greater extent than they do the level of depreciation expense and dismantlement accruals recovered through base rates. In fact, the impact on the 2014 test year is to reduce Gulf's base rate revenue requirements by \$297 thousand while the impact on the revenue requirements addressed through the cost recovery clauses that are separate and apart from base rates is a combined increase of nearly \$6

million. In other words, the impact of the new studies on Gulf's base rate request in Docket No. 130140-EI is essentially neutral.¹

7. As has been the Commission's practice for past depreciation and dismantlement studies submitted by Gulf for at least the past 20 years, Docket No. 130151-EI has been set up to follow the PAA process for Commission resolution. In that time frame, Gulf's depreciation rates and dismantlement accruals have consistently been approved by the Commission without the need for an evidentiary hearing. Neither Gulf nor OPC can know at this date what the Commission Staff will recommend as proposed agency action in Docket No. 130151-EI. OPC's motion suggests that it will be raising issues in Docket No. 130151-EI that will require an evidentiary hearing to resolve. For its part, Gulf is not predisposed to suggest that it will protest a proposal for agency action to be made by Staff in the future nor is the Company necessarily opposed to whatever as yet unstated proposals OPC has in mind with regard to depreciation rates and dismantlement accruals for prospective application.

8. Gulf agrees that the decisions the Commission makes on the pending depreciation/dismantlement studies and proposed depreciation and dismantlement rates may bear directly on the issue of Gulf Power's total revenue requirements in Docket No. 130140-EI; in fact, Gulf's base rate increase requested in its petition in Docket No. 130151-EI reflects the impact of its proposed depreciation and dismantlement rates on the rate base and net operating income included in the 2014 test year. Nevertheless, it does not follow that consolidation of Docket No. 130151-EI with Docket No. 130140-EI is necessary to "... ensure that the parties, Staff, and Commission will not be called on to cover the same ground twice in different dockets,

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and that the decision-making occurs in a rational sequence.” To the contrary, the current framework of separate dockets to consider the disparate issues in the two proceedings remains entirely appropriate, efficient and rational as long as provision is made in the rate case proceeding for a prospective adjustment to Gulf’s base rates on a limited scope basis for any differences between the revenue requirements under the depreciation rates and dismantlement accruals assumed for purposes of setting base rates and whatever depreciation/dismantlement rates and accruals are established through the final outcome in Docket No. 130151-EI. If, in fact, it turns out that OPC’s as yet unstated proposals are so controversial that an evidentiary hearing is ultimately required, it is neither administratively efficient nor necessary to limit the opportunity for discovery and an orderly resolution of the issues raised by artificially constraining the time frame for consideration of such issues to that period required by statute for making a decision with regard to Gulf’s request for base rate relief. The statutory clock for deciding a rate case is not applicable to the Commission’s determination called for in Docket No. 130151-EI, nor should it be.

ENLARGEMENT OF AUTHORIZED DISCOVERY REQUESTS

9. OPC’s motion for enlargement of the number of discovery requests authorized by Order No. PSC-13-0342-PCO-EI in Docket No. 130140-EI is unwarranted. The consolidation of the transmission aspects of Docket No. 130092-EI with Docket No. 130140-EI does not in any way increase the number of topics that will be the subjects of discovery prior to the consolidated evidentiary hearing. For the reasons stated above, it is not administratively efficient to consolidate Docket No. 130151-EI with Docket No. 130140-EI, and therefore the arguments advanced in OPC’s motion for enlarging the number of authorized discovery requests does not apply. In any event, the request is premature in that the limits have not been reached. Raising the limits on discovery requests does not contribute to administrative efficiency but is instead

counterproductive in that it would relieve a party of the obligation to be reasonable and judicious in its use of discovery.

WHEREFORE, Gulf Power Company requests the Commission to enter an order consolidating Docket Nos. 130140-EI and the transmission line aspects of 130092-EI for purposes of a single evidentiary hearing and denying OPC's request to also consolidate Docket No. 130151-EI and further denying OPC's request to enlarge the limits on discovery requests for the consolidated dockets.

s/ **Jeffrey A. Stone**

JEFFREY A. STONE

Florida Bar No. 325953

jas@beggslane.com

RUSSELL A. BADDERS

Florida Bar No. 007455

rab@beggslane.com

STEVEN R. GRIFFIN

Florida Bar No. 627569

srg@beggslane.com

Beggs & Lane

P. O. Box 12950

501 Commendencia Street

Pensacola, FL 32576-2950

(850) 432-2451

CHARLES A. GUYTON

Florida Bar No. 398039

cguyton@gunster.com

Gunster, Yoakley & Stewart, P.A.

215 South Monroe Street, Suite 618

Tallahassee, FL 32301

(850) 521-1980

RICHARD D. MELSON

Florida Bar No. 201243

rick@rmelsonlaw.com

705 Piedmont Drive

Tallahassee, FL 32312

(850) 894-1351

Attorneys for Gulf Power Company

CERTIFICATE OF SERVICE
DOCKET NOS. 130140-EI, 130151-EI, 130092-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and/or U.S. mail to the following parties on this 20th day of August, 2013 to the following:

Suzanne Brownless
sbrownle@psc.state.fl.us
Martha Barrera
mbarrera@psc.state.fl.us
Charles Murphy
cmurphy@psc.state.fl.us
Carolyn Klancke
cklancke@psc.state.fl.us
2540 Shumard Oaks Boulevard
Florida Public Service Commission
Tallahassee, FL 32399-0850

Jon C. Moyle, Jr.
jmoyle@moylelaw.com
Karen A. Putnal
kputnal@moylelaw.com
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, FL 32301

J. R. Kelly, Public Counsel
kelly.jr@leg.state.fl.us
Charles J. Rehwinkel, Deputy Public Counsel
rehwinkel.charles@leg.state.fl.us
Joseph A. McGlothlin, Associate Public Counsel
mcglotthlin.joseph@leg.state.fl.us
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

Gregory J. Fike, Lt Col, USAF
gregory.fike@us.af.mil
Christopher Thompson, Maj, USAF
christopher.thompson.5@us.af.mil
Thomas Jernigan, Capt, USAF
thomas.jernigan@us.af.mil
AFLOA/JACE-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403

s/Jeffrey A. Stone

JEFFREY A. STONE