

ORIGINAL



99 MAR -8 11 9 02
MAIL ROOM

March 5, 1999

Ms. Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0950

RE: Docket Nos.: 971006-EG

Dear Ms. Bayo:

Enclosed, for filing in the docket referenced above, are the original and ten copies of LEAF's Response to Gulf Power Company's Motion for Protective Order

Please document this filing by stamping the attached copy of this letter and returning it to me. Thank you for your assistance in this matter. If you have questions, please let me know.

Sincerely,

Debra Swim

Debra Swim
Senior Attorney
Energy Advocacy Project

- ACK _____
- AFA _____
- APP _____
- CAF Enclosures
- CMU _____
- CTR _____
- EAG _____
- LEG 1
- LIN 5
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

DOCUMENT NUMBER - DATE

02974 MAR -88

FPSC-RECORDS/REPORTING

A Public Interest Law Firm

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Numeric Conservation
Goals for Gulf Power Company

DOCKET NO.: 971006-EG

**LEAF'S RESPONSE TO GULF POWER COMPANY'S
MOTION FOR A PROTECTIVE ORDER**

Pursuant to Rule 28-106.204, FAC, Legal Environmental Assistance Foundation, Inc. ("LEAF") files this response to Gulf Power Company's ("GULF's") Motion for a Protective Order and states:

1. LEAF will continue to work with GULF in an effort to resolve the issues raised in GULF's Objections, Motion for a Protective Order, and Written Response to LEAF's Second Set of Interrogatories and Second Request for Production of Documents (hereinafter "GULF's filing") Though such effort is ongoing, Rule 28-106.204, FAC, requires LEAF to respond to written motions or risk Commission action without LEAF's input.

2. Under the title "Motion for a Protective Order," Paragraph 5 of GULF's Filing states that "To extent that a Motion for a Protective Order is required, Gulf's objections are to be construed as a request for a Protective Order."

3. To the extent the aforesaid paragraph constitutes a motion for a protective order LEAF objects to the issuance of any such order in that; the subject interrogatories and document production requests are relevant, sufficiently clear, reasonably calculated to lead to the discovery of admissible evidence, and permissible under the Florida Rules of Civil Procedure and Florida law; neither the action requested nor the grounds therefore have been fully or sufficiently stated; and GULF's claims of privilege do not contain sufficient disclosure to enable assessment of their applicability.

WHEREFORE, LEAF asks that the Commission deny GULF's Motion for a Protective Order.

Respectfully submitted,



Debra Swim, Attorney
Legal Environmental Assistance Foundation, Inc.
1114 Thomasville Road, Suite E
Tallahassee, FL 32303-6288
(850) 681-2591

DOCUMENT NUMBER-DATE

02974 MAR-88

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and ten copies of LEAF's Response to Gulf Power Company's Motion for Protective Order was mailed to Ms. Blanca Bayo, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0870, and that true copies were mailed to the following this 5th day of March, 1999 to:

Leslie Paugh, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0950

Jack Shreve, Esq.
Office of Public Counsel
111 W. Madison
Tallahassee, FL 32399-1400

Vicki Kaufman, Esq.
117 S. Gadsden St.
Tallahassee, FL 32301

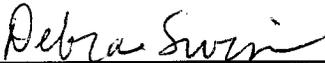
Charles A. Guyton, Esq.
Steel, Hector & Davis
215 S. Monroe St., Suite 601
Tallahassee, FL 32301-1804

John McWhirter, Esq.
P.O. Box 3350
Tampa, FL 33601

Jeffrey A. Stone, Esq.
Beggs & Lane
P.O. Box 12950
Pensacola, FL 32576-2950

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
227 South Calhoun St.

James A. McGee, Esq.
Florida Power Corporation
P.O. Box 14042
St. Petersburg, FL 33733



DEBRA SWIM