

One Energy Place
Pensacola, Florida 32520

Tel 850.444.6111



August 7, 2001

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0870

Dear Ms. Bayo:

RE: Docket No. 010827-EI

Enclosed are an original and fifteen copies of Gulf Power Company's Objections to Citizen's Fifth Request for Production of Documents, Nos. 8-19, in the above docket.

Sincerely,

A handwritten signature in cursive script that reads "Susan D. Ritenour".

Susan D. Ritenour
Assistant Secretary and Assistant Treasurer

lw

cc: Beggs and Lane
Jeffrey A. Stone, Esquire

DOCUMENT NUMBER-DATE

09618 AUG-8 2001

FPSC-COMMISSION CLERK

JA

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Gulf Power Company's petition for)
approval of purchased power arrangement)
regarding Smith Unit 3 for cost recovery)
through recovery clauses dealing with)
purchased capacity and purchased energy.)
_____)

DOCKET NO.: 010827-EI
FILED: August 8, 2001

GULF POWER COMPANY'S OBJECTIONS TO CITIZEN'S FIFTH REQUEST
FOR PRODUCTION OF DOCUMENTS (NOS. 8-19)

Gulf Power Company ("Gulf Power") is seeking a decision from the Commission whether the costs associated with the proposed purchased power arrangement can be recovered through the cost recovery clause dealing with purchased capacity and purchased energy instead of through the more traditional rate base treatment of this capacity as a Gulf-owned resource with the associated customer commitment to recovery of costs associated with the unit through base rates over the life of the asset. Utilities routinely enter into purchased power agreements and other contracts with various parties and said contracts are reviewed by the Commission from the utility's perspective. The assumptions, strategy, and supporting documentation of the other party to the contract are not at issue and fall beyond the scope of review afforded such contracts. The proposed purchased power arrangement is no different from any other purchased power arrangement in that the relevant issues pertain to the utility side of the contract and not the other party to the contract. Simply entering into a contract with a utility does not expose a business to the level of scrutiny sought through the following requests. With the foregoing in mind, and for the reasons set forth in the following, Gulf objects to certain portions of Citizen's Fifth Request for Production of Documents to Gulf Power Company (Nos. 8-19).

8. Please provide the strategic plan and/or business plan for Southern Power.

Answer: Gulf Power objects to this request on the basis that it seeks information that is irrelevant and not likely to lead to relevant evidence. Gulf does not possess or have access to any documents that would be responsive to this request.

9. Please provide all Southern Power documents which discuss or analyze the acquisition of combined cycle units generally.

Answer: Gulf Power objects to this request on the basis that it seeks information that is irrelevant and not likely to lead to relevant evidence. In addition, Gulf Power objects to this request in that it is overly broad and it would be unduly burdensome to Gulf Power to attempt to produce the requested documents. Gulf does not possess or have access to any documents that would be responsive to this request.

10. Please provide all Southern Power documents which discuss or analyze the acquisition of combined cycle units of the operating companies of the Southern Company.

Answer: Gulf Power objects to this request on the basis that it seeks information that is irrelevant and not likely to lead to relevant evidence. In addition, Gulf Power objects to this request in that it is overly broad and it would be unduly burdensome to Gulf Power to attempt to produce the requested documents. Gulf does not possess or have access to any documents that would be responsive to this request.

11. Please provide all Southern Company documents which discuss or analyze the acquisition of combined cycle units by Southern Power.

Answer: Gulf Power objects to this request on the basis that it seeks information that is irrelevant and not likely to lead to relevant evidence. In addition, Gulf Power objects to this request in that it is overly broad and it would be unduly burdensome to Gulf Power to attempt to produce the requested documents. Gulf does not possess or have access to any documents that would be responsive to this request.

12. Please provide all Southern Power documents which discuss, evaluate, or analyze the acquisition of any power plant situated in the State of Florida.

Answer: Gulf Power objects to this request on the basis that it seeks information that is irrelevant and not likely to lead to relevant evidence. In addition, Gulf Power objects to this request in that it is overly broad and it would be unduly burdensome to Gulf Power to attempt to produce the requested documents. Gulf does not possess or have access to any documents that would be responsive to this request.

13. Please provide all Southern Power documents which discuss, analyze or evaluate the regulation on regulatory scheme in any way in the State of Florida.

Answer: Gulf Power objects to this request on the basis that it seeks information that is irrelevant and not likely to lead to relevant evidence. In addition, Gulf Power objects to this request in that it is overly broad and it would be unduly

burdensome to Gulf Power to attempt to produce the requested documents. Gulf Power also objects to Citizen's Request No. 13 to the extent it asks for privileged communications protected by the attorney-client privilege and/or are attorney work product. The request seeks documents prepared by Southern Power officers and employees at the request of counsel which relate to the pending litigation and are protected from disclosure by the attorney-client privilege. Gulf does not possess or have access to any documents that would be responsive to this request.

14. Please provide any Southern Company documents which compare the regulatory regimes of Florida, Georgia and Alabama.

Answer: Gulf Power objects to this request on the basis that it seeks information that is irrelevant and not likely to lead to relevant evidence. In addition, Gulf Power objects to this request in that it is overly broad and it would be unduly burdensome to Gulf Power to attempt to produce the requested documents. Gulf Power also objects to Citizen's Request No. 14 to the extent it asks for privileged communications protected by the attorney-client privilege and/or are attorney work product. The request seeks documents prepared by Southern Power officers and employees at the request of counsel which relate to the pending litigation and are protected from disclosure by the attorney-client privilege. Gulf does not possess or have access to any documents that would be responsive to this request.

15. Please provide the Georgia Commission Order for Plant Goat Rock referenced in Staff's First Set of Interrogatories No. 14.

Answer: This document is available in the public domain, accessible by the requesting party. Although Gulf does not presently have a copy in its possession, Gulf will attempt to provide a copy of the document within the time period allowed for response to this request.

16. Please provide all Gulf Power Company documents which discuss the possibility of transferring Smith Unit 3 to Southern Power which were prepared between January 1, 2001 and May 31, 2001.

Answer: Gulf Power objects to this request to the extent that it asks for privileged communications protected by the attorney-client privilege and/or are attorney work product. Gulf Power will provide any non-privileged documents within the time period allowed for response to this request.

17. Please provide all Southern Company documents which discuss the possible transfer of Smith Unit 3 to Southern Power prepared between January 1, 2001 and May 31, 2001.

Answer: Gulf Power objects to this request on the basis that it seeks information that is irrelevant and not likely to lead to relevant evidence. In addition, Gulf Power objects to this request in that it is overly broad and it would be unduly burdensome to Gulf Power to attempt to produce the requested documents. Gulf does not possess or have access to any documents that would be responsive to this request.

18. Please provide all Southern Power documents which discuss or analyze the possible transfer of Smith Unit 3 to Southern Power prepared between January 1, 2001 and May 31, 2001.

Answer: Gulf Power objects to this request on the basis that it seeks information that is irrelevant and not likely to lead to relevant evidence. In addition, Gulf Power objects to this request in that it is overly broad and it would be unduly burdensome to Gulf Power to attempt to produce the requested documents. Gulf does not possess or have access to any documents that would be responsive to this request.

19. Please provide all Southern Company documents which reference an acquisition strategy of merchant plants by a corporate subsidiary generally.

Answer: Gulf Power objects to this request on the basis that it seeks information that is irrelevant and not likely to lead to relevant evidence. In addition, Gulf Power objects to this request in that it is overly broad and it would be unduly burdensome to Gulf Power to attempt to produce the requested documents. Gulf

does not possess or have access to any documents that would be responsive to this request.

Respectfully submitted this 7th day of August 2001,



JEFFREY A. STONE

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In re: Gulf Power Company's petition for)
approval of purchased power arrangement) Docket No.: 010827-EI
regarding Smith Unit 3 for cost recovery)
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Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been furnished
this 7th day of August 2001 by U.S. Mail or hand delivery to the following:

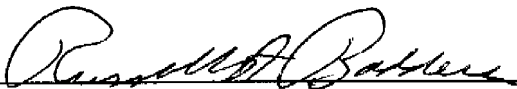
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