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August 10, 2001

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

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COMMISSION
CLERK

Re: Docket No.: 010827-EI

Dear Ms. Bayo:

On behalf of the Florida Industrial Power Users Group (FIPUG), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ The Florida Industrial Power Users Group's Joinder in Support of the Office of Public Counsel's Motion to Compel.

Please acknowledge receipt of the above on the extra copy and return the stamped copies to me. Thank you for your assistance.

APP _____
 CAF _____
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Sincerely,

Vicki Gordon Kaufman

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DOCUMENT NUMBER - DATE
09769 AUG 10 01
FPSC-COMMISSION CLERK

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 10, 2001

**The Florida Industrial Power Users Group's Joinder in Support
Of the Office of Public Counsel's Motion to Compel**

The Florida Industrial Power Users Group (FIPUG) files this Joinder in support of the Office of Public Counsel's (OPC) Motion to Compel Gulf Power Company (Gulf) to respond to OPC's discovery requests. As grounds therefor, FIPUG states:

1. On June 8, 2001, Gulf filed a petition asking this Commission to approve a purchase power arrangement whereby Gulf would transfer Smith Unit 3, which the Commission approved in a prior need determination proceeding in Docket No. 990325-EI, to an affiliate company, Southern Power Company (Southern Power). After such transfer, Gulf proposes that the output of the unit be purchased by Gulf under a power purchase agreement (PPA) between Gulf and Southern Power and that this arrangement be approved for cost recovery.

2. On August 3, 2001, OPC served discovery on Gulf generally inquiring into Southern Power's strategies and plans for the acquisition of generating units. Gulf responded on August 8th, but primarily objected to the requests on the grounds that they were irrelevant, overbroad and subject to privilege.

3. FIPUG joins with OPC in asserting that the information sought is needed to test the assertions made by Gulf as to the reasons behind the proposed transfer of a power plant which was to be owned by Gulf and that OPC's motion to compel should be granted.

4. FIPUG also joins with OPC in continuing to object to the expedited nature of this proceeding. The truncated timeframe sought by Gulf is now further complicated¹ by Gulf's refusal to answer some discovery requests at all and, in the case of discovery sent by FIPUG, refusing to even let counsel know when it might intend to respond.

5. The procedural order in this case does not provide for an expedited response time for discovery. However, in its petition, Gulf pledged to provide discovery

¹ FIPUG has previously filed a motion to strike the supplemental testimony of Gulf, or alternatively, continue the hearing and extend the date for Intervenor testimony due to Gulf's filing of additional direct testimony long after the due date for such testimony.

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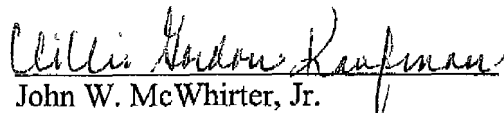
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responses on an "expedited basis." At the status conference held on August 1st, Prehearing Officer Baez noted that Gulf "has made sufficient effort for the time being" to respond to discovery requests. However, on August 3rd, FIPUG sent three requests for production to Gulf. Accompanying the requests was a letter asking Gulf when it intended to respond. Yesterday, Gulf was again contacted (via email) and asked when FIPUG could expect a response. Gulf has not replied and FIPUG has thus far received no responses to its discovery.

6. Intervenors are faced with Gulf depositions next Wednesday August 15th and a due date for Intervenor testimony on Friday August 17th, but do not have responses to their discovery requests thus greatly hampering their preparation.

WHEREFORE, FIPUG joins in OPC's motion to compel and states that it should be granted. FIPUG further renews its motion to continue the hearing.



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CERTIFICATE OF SERVICE

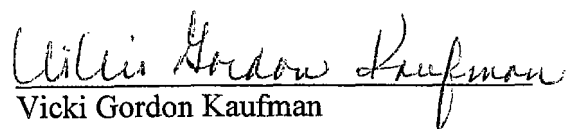
I HEREBY CERTIFY that a true and correct copy of the foregoing FIPUG's Joinder in Support of the Office of Public Counsel's Motion to Compel has been furnished by (*) hand delivery, (**) fax or U.S. Mail to the following this 10th day of August, 2001:

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