

ORIGINAL

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

January 18, 2002

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.: 010949-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:

- ▶ Florida Industrial Power Users Group's Response to Gulf's Motion for Protective Order.

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

Sincerely,

Vicki Gordon Kaufman

Vicki Gordon Kaufman

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Rate Increase by
Gulf Power Company

Docket No.: 010949-EI
Filed: January 18, 2002

**FLORIDA INDUSTRIAL POWER USERS GROUP'S RESPONSE TO GULF'S
MOTION FOR PROTECTIVE ORDER**

The Florida Industrial Power Users Group (FIPUG), by and through its undersigned attorney and pursuant to Rule 28.106-204, Florida Administrative Code hereby responds to Gulf Power Company's (Gulf) Motion for Protective Order filed January 16, 2002¹ and states:

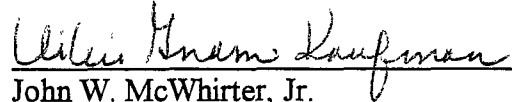
1. FIPUG objects to the procedure outlined in Gulf's Motion for a Protective Order regarding the upcoming depositions of Gulf's witnesses. FIPUG has no objection to limiting access to the actual depositions as they relate to confidential information and to the confidential portions of the deposition transcript to those who sign a Protective Agreement². However, FIPUG does object to Gulf's request to limit attendance at the non-confidential portion of the deposition to only those parties who have signed a Protective Agreement. Further, FIPUG objects to Gulf's request to limit access to the non-confidential portion of the deposition transcript to only those parties who have signed a Protective Agreement. Such a procedure violates Chapter 119, Florida Statutes, and the Commission's own statute and rules on confidentiality because it attempts to foreclose access to non-confidential information.

2. To the extent noted above, FIPUG disagrees with Gulf's representation in its motion

¹This response is filed at the request of Staff. FIPUG has not yet received a copy of the motion from Gulf.

²FIPUG is awaiting receipt of such an agreement from Gulf.

that all parties have agreed to the procedure set out in Gulf's motion.



John W. McWhirter, Jr.
McWhirter Reeves McGlothlin Davidson
Decker Kaufman Arnold & Steen, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33601-3350
(813) 224-0866 Telephone
(813) 221-1854 Telefax

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman, Arnold & Steen, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
(850) 222-2525 Telephone
(850) 222-5606 Telefax

Attorneys for the Florida Industrial
Power Users Group

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Florida Industrial Power Users Group's Response to Gulf's Motion for Protective Order has been furnished by (*) hand delivery, or U.S. Mail this 18th day of January, 2002, to the following:

(*)Marlene Stern
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Federal Executive Agencies
c/o AFCESA/Utility Litigation Team
Douglas Shropshire/Al Erickson
139 Barnes Drive
Tyndall Air Force Base, Florida 32403

Jeffrey A. Stone
Beggs & Lane
Post Office Box 12950
Pensacola, Florida 32576

Michael Gross
Florida Cable Telecommunications Assoc.
246 East 6th Avenue
Tallahassee, Florida 32303

Steve Burgess
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, #812
Tallahassee, Florida 32399-1400


Vicki Gordon Kaufman