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**From:** Vaughn, Mallory [MVAUGHN@southernco.com]  
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**Subject:** E-filing

**Attachments:** Gulf's Objections to Staff's 8th Set of ROGs.pdf



Gulf's  
Objections to Staff's

A. Susan D. Ritenour  
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B. Docket No. 080410-EG; Commission Review of Numeric Conservation Goals

C. Gulf Power Company

D. Document consists of 7 pages.

E. The attached document is Gulf Power Company's Objections to the Florida Public Service Commission Staff's Eighth Set of Interrogatories (40-98).  
<<Gulf's Objections to Staff's 8th Set of ROGs.pdf>>

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DOCUMENT NUMBER-DATE  
06797 JUL-7 8  
FPSC-COMMISSION CLERK

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July 6, 2009

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee FL 32399

Dear Ms. Cole:

Re: Docket No. 080410-EG

Enclosed is Gulf Power Company's objections to the Florida Public Service Commission Staff's Eighth Set of Interrogatories (40-98), filed by electronic mail and U.S. Mail in the above-referenced docket.

Sincerely,

*Susan D. Ritenour (td)*

mv

Enclosures

cc: Beggs & Lane  
Jeffrey A. Stone, Esq.

DOCUMENT NUMBER-DATE  
06797 JUL -7 8  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric  
conservation goals (Gulf Power Company)

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Docket No.: 080410-EG  
Filed: July 6, 2009

**GULF POWER COMPANY'S OBJECTIONS  
TO THE FLORIDA PUBLIC SERVICE COMMISSION  
STAFF'S EIGHTH SET OF INTERROGATORIES (40-98)**

Gulf Power Company ("Gulf"), pursuant to Rules 1.340 and 1.350, Florida Rules of Civil Procedure, and Rule 28-106.206, Florida Administrative Code, submits the following objections to the Staff of the Florida Public Service Commission's ("Staff's") Eighth Set of Interrogatories (Nos. 40-98).

**I. Preliminary Nature of Objections**

Gulf's objections stated herein are preliminary in nature. Gulf is furnishing its objections consistent with the time frame set forth in the Commission's Order Consolidating Dockets and Establishing Procedure, Order No. PSC-08-0816-PCO-EG dated December 18, 2008 (as revised by Order No. PSC-09-0152-PCO-EG dated March 12, 2009), and Rule 1.190(e), Florida Rules of Civil Procedure. Should additional grounds for objection be discovered as Gulf develops its responses, Gulf reserves the right to supplement or modify its objections up to the time it serves its responses. Should Gulf determine that a protective order is necessary regarding any of the information requested of Gulf, Gulf reserves the right to file a motion with the Commission seeking such an order at the time its response is due.

**II. General Objections**

Gulf objects to each and every discovery request that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-

client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time response is first made or is later determined to be applicable for any reason. Gulf in no way intends to waive such privilege or protection.

In certain circumstances, Gulf may determine, upon investigation and analysis, that information responsive to certain discovery requests to which objections are not otherwise asserted is confidential and proprietary and should not be produced without provisions in place to protect the confidentiality of the information, if at all. By agreeing to provide such information in response to such request, Gulf is not waiving its right to insist upon appropriate protection of confidentiality by means of a protective order or other action to protect the confidential information requested. Gulf asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

In the course of its business, Gulf creates numerous documents that are not subject to Florida Public Service Commission or other governmental record retention requirements. These documents are kept in numerous locations and frequently are moved from site to site as employees change jobs or as business is reorganized. Therefore, it is possible that not every relevant document may have been consulted in developing Gulf's responses. Rather, these responses provide all the information that Gulf obtained after a reasonable and diligent search conducted in connection with these discovery requests. To the extent that the discovery requests propose to require more, Gulf objects on the grounds that compliance would impose an undue burden or expense on it.

Gulf objects to each request to the extent that it seeks information that is not relevant to the subject matter of these dockets and is not reasonably calculated to lead to the discovery of admissible evidence.

Gulf objects to each request to the extent it is vague, ambiguous, overly broad, unduly burdensome, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests. Any responses provided by Gulf will be provided subject to, and without waiver of, the foregoing objection.

Gulf objects to each discovery request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Sections 90.506 and 366.093(3)(a), Florida Statutes.

Gulf also objects to these discovery requests to the extent they call for Gulf to prepare information in a particular format or perform calculations or analyses not previously prepared or performed as purporting to expand Gulf's obligations under applicable law. Gulf will comply with its obligations under the applicable rules of procedure.

Gulf objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available through normal procedures.

Gulf objects to each discovery request and any definitions and instructions that purport to expand Gulf's obligations under applicable law.

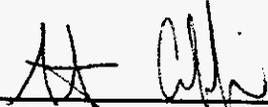
Notwithstanding any of the foregoing general objections and without waiving these objections, Gulf intends in good faith to respond to Staff's discovery requests.

### **III. Specific Objections**

Gulf objects to Interrogatory No. 40 on the grounds that answering the same would require Gulf to create information and results which do not presently exist and which cannot be addressed without imposing an undue burden on the Company. In order to answer this interrogatory, Gulf would be required to perform exhaustive and costly studies and essentially restart the entire process it has engaged in to date in this docket. Gulf would be required to enlist the assistance of Itron to recreate Gulf's achievable potential analysis assuming a \$0 carbon sensitivity. Such an effort would be extremely time consuming, costly and would effect an undue burden on Gulf. Notwithstanding this objection, and without waiving it, Gulf will endeavor to provide information explaining to the best of its ability the impact of Carbon Dioxide on its economic analyses to address the subject matter of Staff's Interrogatory No. 40.

Gulf objects to Interrogatory No. 94 to the extent this interrogatory directs Gulf to separately identify the benefits attributable to carbon regulation for all measures included in its achievable potential. In order to segregate benefits attributable to carbon regulation, Gulf would be required to perform an achievable potential analysis assuming a \$0 carbon sensitivity. As stated in Gulf's objection to Interrogatory No. 40, performing such an analysis would be time consuming, costly and would impose an undue burden on Gulf and its consultant. Notwithstanding this objection, Gulf Power intends to respond, to the best of its ability, to the remainder of Interrogatory No. 94.

Respectfully submitted this 6<sup>th</sup> day of July, 2009.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: **Commission Review of Numeric  
Conservation Goals for Gulf Power  
Company**

Docket No.: **080410-EG**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was furnished by U. S. mail this 6<sup>th</sup> day of July, 2009, on the following:

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