

**Dorothy Menasco**

**From:** Mary Davis [MD@beggslane.com]  
**Sent:** Tuesday, November 15, 2011 3:08 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Caroline Klancke; cguyton@gunster.com; chris.thompson.2@tyndall.af.mil; sayler.erik@leg.state.fl.us; kelly.jr@leg.state.fl.us; Jeffrey Stone; jmoyle@kagmlaw.com; mcglathlin.joseph@leg.state.fl.us; Karen.white@tyndall.af.mil; Keino Young; Keith L. Harris (klharris@southern.com); Martha Barrera; rick@rmelsonlaw.com; schef@gbwlegal.com; Russell Badders; Steven R. Griffin; sdriteno@southernco.com; merchant.tricia@leg.state.fl.us; vkaufman@kagmlaw.com  
**Subject:** E-filing - Docket 110138-EI  
**Attachments:** Objections to Staffs 16th POD.pdf

a. Person responsible for this electronic filing:

Steven R. Griffin  
 Beggs & Lane  
 P.O. Box 12950  
 501 Commendencia Street  
 Pensacola, FL 32576-2950  
 (850)432-2451  
[srg@beggslane.com](mailto:srg@beggslane.com)

b. Docket 110138-EI

In re: Petition for increase in rates by Gulf Power Company

c. Document being filed on behalf of Gulf Power Company

d. There are 5 pages to Gulf's Objections

e. The document attached for electronic filing is Gulf's Objections to Staff's Sixteenth Request for Production of Documents (No. 56)

**Mary E. Davis**

Legal Assistant to Jeffrey A. Stone,  
 Russell A. Badders and Steven R. Griffin  
 Beggs & Lane  
 501 Commendencia Street  
 Pensacola, FL 32502  
 (850)432-2451  
 Fax (850)469-3331  
[md@beggslane.com](mailto:md@beggslane.com)

CONFIDENTIALITY NOTICE: This e-mail and any files transmitted with it are confidential and are intended solely for the use and benefit of the individual or entity to which they are addressed. This communication may contain material protected by the attorney-client privilege. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error, and that any use, dissemination, forwarding, printing, or copying of e-mail is strictly prohibited. If you received this e-mail in error, please immediately notify Beggs & Lane, RLLP by return e-mail or at telephone number (850)432-2451 ext. 4221.

DOCUMENT NUMBER-DATE

08411 NOV 15 =

11/15/2011

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for increase in rates by Gulf  
Power Company.

Docket No. 110138-EI  
Dated: November 15, 2011

**GULF POWER COMPANY'S OBJECTIONS TO STAFF'S SIXTEENTH  
REQUEST FOR PRODUCTION OF DOCUMENTS (NO. 56)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.350 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, Gulf Power Company ("Gulf") hereby serves its objections to the Staff of the Florida Public Service Commission's ("Staff") Sixteenth Request for Production of Documents to Gulf Power Company (No. 56, and respectively, and together "the Requests") and states as follows:

**GENERAL OBJECTIONS**

With respect to any "Definitions" and "Instructions" in Staff's Request for Production, Gulf objects to any definitions or instructions that are inconsistent with Gulf's discovery obligations under applicable rules. If some question arises as to Gulf's discovery obligations, Gulf will comply with applicable rules and not with any definitions that are inconsistent with those rules. Gulf also objects to any request that calls for documents to be produced from the files of Gulf's counsel in this matter because such documents are privileged and are otherwise not within the scope of discovery under the applicable rules and laws. Gulf also objects to any request that calls for information that is not within the scope of discovery under the applicable rules and law. Furthermore, Gulf objects to any definition or request that seeks to encompass persons or entities other than Gulf who are not parties to this action and thus are not subject to discovery. Information of affiliated companies, including The Southern Company, that is directly relevant to Gulf's rate request, including information regarding transactions or cost allocations among Gulf and its affiliated companies may be provided, upon request. Otherwise,

no responses to the requests will be made on behalf of persons or entities other than Gulf. Gulf objects to any request that calls for Gulf to create documents that it otherwise does not have because there is no such requirement under the applicable rules and law.

Additionally, Gulf generally objects to Staff's requests to the extent that they call 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. Gulf will provide a privilege log in accordance with the applicable law or as may be agreed to by the parties to the extent, if at all, that any request calls for the production of privileged or protected information.

Further, in certain circumstances, Gulf may determine upon investigation and analysis that information responsive to certain requests to which objections are not otherwise asserted is confidential and proprietary and should be produced only under an appropriate confidentiality request. By agreeing to provide such information in response to such a request, Gulf is not waiving its right to insist upon appropriate protection of confidentiality. Gulf hereby asserts its right to require such protection of any and all information that may qualify for protection under the Florida Rules of Civil Procedure, the Order Establishing Procedure, and all other applicable statutes, rules and legal principles.

Gulf generally objects to Staff's Request for Production to the extent that they call for the production of "all" documents of any nature, including, every copy of every document responsive to the requests. Gulf will make a good faith, reasonably diligent attempt to identify and obtain responsive documents when no objection has been asserted to the production of such documents, but it is not practicable or even possible to identify, obtain, and produce "all" documents. In addition, Gulf reserves the right to supplement any of its responses to Staff's

Request for Production if Gulf cannot produce documents immediately due to their magnitude and the work required to aggregate them, or if Gulf later discovers additional responsive documents in the course of this proceeding.

Gulf also objects to any request that calls for projected data or information beyond the year 2012 because such data or information is irrelevant to this case and has no bearing on this proceeding, nor is such data or information likely to lead to the discovery of admissible evidence.

By making these general objections at this time, Gulf does not waive or relinquish its right to assert additional general and specific objections to Staff's discovery at the time Gulf's response is due under the Florida Rules of Civil Procedure and the Order Establishing Procedure. Gulf provides these general objections at this time to comply with the intent of the Order Establishing Procedure to reduce the delay in identifying and resolving any potential discovery disputes.

Respectfully submitted this 15th day of November, 2011.

**JEFFREY A. STONE**  
Florida Bar No. 325953  
**RUSSELL A. BADDERS**  
Florida Bar No. 007455  
**STEVEN R. GRIFFIN**  
Florida Bar No. 627569  
**Beggs & Lane**  
P. O. Box 12950  
501 Commendencia Street  
Pensacola, FL 32576-2950  
(850) 432-2451

**CHARLES A. GUYTON**  
Florida Bar No. 398039  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe Street, Suite 618  
Tallahassee, FL 32301  
(850) 521-1980

**RICHARD D. MELSON**  
Florida Bar No. 201243  
705 Piedmont Drive  
Tallahassee, FL 32312  
(850) 894-1351  
**Attorneys for Gulf Power Company**

BY: s/ Steven R. Griffin  
Steven R. Griffin  
Fla. Bar No. 627569

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this 15th day of November, 2011 to all counsel of record as indicated below:

Office of Public Counsel  
J. R. Kelly/Joseph A.  
McGlothlin/Erik  
c/o The Florida Legislature  
111 W. Madison Street,  
Room 812  
Tallahassee, FL 32393-1400  
[Kelly.jr@leg.state.fl.us](mailto:Kelly.jr@leg.state.fl.us)  
[mcglothlin.joseph@leg.state.fl.us](mailto:mcglothlin.joseph@leg.state.fl.us)  
[Saylor.erik@leg.state.fl.us](mailto:Saylor.erik@leg.state.fl.us)  
[Merchant.tricia@leg.state.fl.us](mailto:Merchant.tricia@leg.state.fl.us)

Caroline Klancke  
Keino Young  
Martha Barrera  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-0850  
[mbarrera@psc.state.fl.us](mailto:mbarrera@psc.state.fl.us)  
[cklancke@psc.state.fl.us](mailto:cklancke@psc.state.fl.us)  
[kyoung@psc.state.fl.us](mailto:kyoung@psc.state.fl.us)

Robert Scheffel Wright/John T. La  
Via,  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
[schef@gbwlegal.com](mailto:schef@gbwlegal.com)

Gunster Law Firm  
Charles A. Guyton  
215 S. Monroe St.,  
Suite 618  
Tallahassee, FL 32301  
[cguyton@gunster.com](mailto:cguyton@gunster.com)

Richard Melson  
705 Piedmont Drive  
Tallahassee, FL 32312  
[rick@rmelsonlaw.com](mailto:rick@rmelsonlaw.com)

Florida Retail  
Federation  
227 South Adams  
Street  
Tallahassee, FL 32301

Florida Industrial Power  
Users Group  
Vicki G. Kaufman/Jon C.  
Moyle, Jr.  
c/o Keefe Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301  
[vkaufman@kagmlaw.com](mailto:vkaufman@kagmlaw.com)  
[jmoyle@kagmlaw.com](mailto:jmoyle@kagmlaw.com)

Federal Executive Agencies  
c/o Major Christopher C.  
Thompson  
Ms. Karen White  
AFLOA/JACL-ULFSC  
139 Barnes Drive, Suite 1  
Tyndall Air Force Base,  
Florida 32403  
[chris.thompson.2@tyndall.af.mil](mailto:chris.thompson.2@tyndall.af.mil)  
[karen.white@tyndall.af.mil](mailto:karen.white@tyndall.af.mil)

BY: s/ Steven R. Griffin  
Steven R. Griffin  
Fla. Bar No. 627569