

Eric Fryson

From: Mary Davis [MD@beggslane.com]
Sent: Wednesday, April 25, 2012 12:52 PM
To: Filings@psc.state.fl.us
Cc: Rehwinkel.Charles@leg.state.fl.us; christensen.patty@leg.state.fl.us; ataylor@bbrslaw.com; kelly.jr@leg.state.fl.us; jbeasley@ausley.com; jbrew@bbrslaw.com; bkeating@gunster.com; jwahlen@ausley.com; john.burnett@pgnmail.com; john_butler@fpl.com; jmoyle@kagmlaw.com; Karen.white@tyndall.af.mil; Ken.Hoffman@fpl.com; Lisa Bennett; paul.lewisjr@pgnmail.com; Regdept@tecoenergy.com; RMiller@pcsphosphate.com; schef@gbwlegal.com; tgeoffroy@fpuc.com; vkaufman@kagmlaw.com; Steven R. Griffin; Russell Badders; Jeffrey Stone; sdriteno@southernco.com

Subject: E-Filing - Docket 120001-EI

Attachments: GP Objections to FIPUGs 1st PODs and 1st ROGs.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

b. Docket 120001-EI - In re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor

c. Documents being filed on behalf of Gulf Power Company

d. Gulf Power Company's Objections to FIPUG's First Request to Produce Documents (Nos. 1-5) and First Interrogatories (Nos. 1-11) consists of 6 pages

e. The document attached for electronic filing is Gulf Power Company's Objections to FIPUG's First Request to Produce Documents (Nos. 1-5) and First Interrogatories (Nos. 1-11)

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

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Fuel and purchased power cost
recovery clause and generating performance
incentive factor

Docket No.: 120001-EI
Date: April 25, 2012

**GULF POWER COMPANY'S OBJECTIONS TO FIPUG'S
FIRST REQUEST TO PRODUCE DOCUMENTS (NOS. 1-5)
AND FIRST INTERROGATORIES (NOS. 1-11)**

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 Florida Industrial Power Users Group's ("FIPUG") First Request to Produce Documents (Nos. 1-5) and First Interrogatories to Gulf Power (Nos. 1-11) (and respectively, and together "the Requests") and states as follows:

GENERAL OBJECTIONS

With respect to any "Definitions" and "Instructions" in FIPUG's Requests, 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 of FIPUG's 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 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. Furthermore, 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.

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Additionally, Gulf generally objects to FIPUG's Requests to the extent that they call for documents or 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 document request calls for the production of privileged or protected documents.

Further, in certain circumstances, Gulf may determine upon investigation and analysis that documents responsive to certain Requests to which objections are not otherwise asserted are confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. 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 by means of a confidentiality agreement, protective order, or the procedures otherwise provided by law or in the Order Establishing Procedure. 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 FIPUG's Requests 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 FIPUG's Requests if Gulf cannot produce information immediately due to its magnitude and the work

required to aggregate it, or if Gulf later discovers additional responsive information in the course of this proceeding.

SPECIFIC OBJECTIONS

FIPUG's First Request to Produce Documents

Requests 1-3: Gulf objects to requests 1 through 3 on the ground that they seek information relating to as-available energy which is not at issue in this docket and is not reasonably calculated to lead to discovery of admissible evidence. Gulf further objects on the grounds that these requests seek information for years prior to 2011, in that such data is not at issue in this docket. Gulf further objects to the extent that these requests direct Gulf to create or develop documents or information which it otherwise does not possess, as there is no such requirement under law.

Requests 4-5: With respect to requests 4 through 5, Gulf incorporates all of the above-referenced objections by reference and further objects on the ground that these requests direct Gulf to produce "all" documents relating to the referenced subject matter. The calculation and development of as-available energy cost is an extremely complex process involving a multitude of generating resources throughout the Southern Electric system. Strict compliance with these requests would be unduly burdensome, involve many man-hours and production of thousands of pages of data.

FIPUG's First Interrogatories

Requests 1-11: Gulf objects to interrogatories 1 through 11 on the ground that they seek information relating to as-available energy which is not at issue in this docket and is not reasonably calculated to lead to discovery of admissible evidence. Gulf also objects to

interrogatories 3 and 5 to the extent that they seek information for years prior to 2011, because such data is not at issue in this docket.

Respectfully submitted this 25th day of April, 2012.

/s Steven R. Griffin

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

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 25th day of April, 2012 to all counsel of record as indicated below.

Martha Barrera
Lisa Bennett
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Office of Public Counsel
J.R. Kelly/Patricia A. Christensen/
Charles Rehwinkel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

John T. Burnett
Progress Energy Service Co., LLC
P.O. Box 14042
St. Petersburg, FL 33733-4042

Paul Lewis, Jr.
Progress Energy Service Co., LLC
106 East College Avenue
Suite 800
Tallahassee, FL 32301-7740

Vicki Kaufman
Jon C. Moyle
Keefe, Anchors, Gordon & Moyle, PA
118 N. Gadsden Street
Tallahassee, FL 32301

Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 S. Monroe Street
Suite 618
Tallahassee, FL 32301

Samuel Miller, Capt, USAF
Karen White
USAF/AFLOA/JAC/ULFSC
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319

Florida Public Utilities Company
Cheryl Martin/Thomas A. Geoffroy
P.O. Box 3395
West Palm Beach, FL 33402-3395

John T. Butler
Managing Attorney – Regulatory
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

Kenneth Hoffman
Florida Power & Light Company
215 S. Monroe Street
Suite 810
Tallahassee, FL 32301-1859

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Wiener, Wadsworth,
Bowden, Bush, Dee, Lavia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308

Randy B. Miller
White Springs Agricultural Chemicals, Inc.
P.O. Box 300
White Springs, FL 3296

James D. Beasley/J. Jeffrey Wahlen
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

James W. Brew
F. Alvin Taylor
Brickfield, Buchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201

Tampa Electric Company
Paula K. Brown, Administrator
Regulatory Coordination
P.O. Box 111
Tampa, FL 33601-0111

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