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Sent: Wednesday, May 02, 2012 3:23 PM
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Subject: Docket No. 120001-EI
Attachments: FIPUG Objections and Response Staff 1st ROGs (1-10) 5.2.12.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

a. The name, address, telephone number and email for the person responsible for the filing is:

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b. This filing is made in Docket No. 120001-EI.

c. The document is filed on behalf of Florida Industrial Power Users Group.

d. The total pages in the document are 6 pages.

e. The attached document is Florida Industrial Power Users Group's Objections and Responses to Staff's First Set of Interrogatories (Nos. 1-10).

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DOCUMENT NUMBER DATE

02819 MAY-2 2012

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power
cost recovery clause and generating
performance incentive factor.

Docket No. 120001-EI
Filed: May 2, 2012

**FLORIDA INDUSTRIAL POWER USERS GROUP'S GENERAL OBJECTIONS AND
RESPONSES TO STAFF'S FIRST SET OF INTERROGATORIES (NOS. 1-10)**

Pursuant to rule 28-106.206, Florida Administrative Code, rule 1.340 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, the Florida Industrial Power Users Group (FIPUG) hereby serves its general objections and responses to Staff's First Interrogatories (Nos. 1-10) and states as follows:

GENERAL OBJECTIONS

With respect to any "Definitions" and "Instructions" in Staff's Interrogatories, FIPUG objects to any definitions or instructions that are inconsistent with FIPUG's discovery obligations under applicable rules. If some question arises as to FIPUG's discovery obligations, FIPUG will comply with applicable rules and not with any of Staff's definitions or instructions that are inconsistent with those rules. FIPUG also objects to any request that calls for information that is not within the scope of discovery under the applicable rules and law. Furthermore, FIPUG objects to any definition or request that seeks to encompass persons or entities other than FIPUG who are not parties to this action and thus are not subject to discovery. No responses to the requests will be made on behalf of persons or entities other than FIPUG. FIPUG objects to any request that calls for FIPUG to perform analyses that it has not otherwise performed in support of its case and would not normally perform in the ordinary course of its business because there is no such requirement under the applicable rules and law.

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

Additionally, FIPUG 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. FIPUG 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, FIPUG 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 agreement and protective order, if at all. By agreeing to provide such information in response to such a request, FIPUG 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. FIPUG 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.

FIPUG generally objects to Staff's interrogatories to the extent that they call for the production of documents on the ground that such a request is beyond the scope of Rule 1.340 of the Florida Rules of Civil Procedure.

By making these general objections at this time, FIPUG does not waive or relinquish its right to assert additional general and specific objections to Staff's discovery at the time FIPUG's response is due under the Florida Rules of Civil Procedure and the Order Establishing Procedure. FIPUG 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.

INTERROGATORY RESPONSES

1. Commission staff's records reflect that from 1980 to present, the overall generation mix for Florida's investor-owned utilities has changed. Commission staff is reviewing data to determine if the change in generation mix warrants a change to the Generating Performance Incentive Factor (GPIF) methodology established by Order No. 9558.
 - a. Do you agree with Commission staff's assertion that the overall generation mix for Florida's investor-owned utilities has changed from 1980 to present?
 - b. Should the Commission's policy and methodology for GPIF change to address the change in generation mix?

FIPUG RESPONSE: FIPUG has insufficient information to respond to this interrogatory at this time.

2. In 2011, the generating mix for Florida's investor-owned utilities was much different than it was in 1980, and natural gas generating units had a much higher profile in 2011 than they had in 1980. Do you agree with this assertion? If not, explain.

FIPUG RESPONSE: FIPUG has insufficient information to respond to this interrogatory at this time.

3. Do you agree that natural gas combined cycle units have a higher availability than heavy oil generating units? Explain your response.

FIPUG RESPONSE: FIPUG has insufficient information to respond to this interrogatory at this time as the response to this question would depend on many different variables.

4. Do you agree that natural gas combined cycle units have a lower heat rate than heavy oil generating units? Explain your response.

FIPUG RESPONSE: FIPUG has insufficient information to respond to this interrogatory at this time as the response to this question would depend on many different variables.

5. Should the Commission eliminate the Generating Performance Incentive Factor? Please explain your response.

FIPUG RESPONSE: FIPUG has insufficient information to respond to this interrogatory at this time. However, FIPUG supports the Commission conducting a workshop or other proceeding to gather the necessary information on this topic.

6. If you believe the Commission should not eliminate the Generating Performance Incentive Factor, should the Commission modify the factor? Please identify all changes FIPUG believes are appropriate to consider in the GPIF program prospectively.

FIPUG RESPONSE: See response to Interrogatory No. 5.

7. Should the Equivalent Availability Factors and heat rates included in a plant's need determination be used as a performance benchmark to determine any GPIF rewards for that utility? Please explain your response.

FIPUG RESPONSE: See response to Interrogatory No. 5.

8. Should the Equivalent Availability Factors and heat rates included in the utility's standard offer contracts be used as a performance benchmark to determine any GPIF rewards for that utility? Please explain your response.

FIPUG RESPONSE: See response to Interrogatory No. 5.

9. Should nationwide average performance data for the same class and size of power plant from the North American Electric Reliability Corporation be used as a performance benchmark to determine any GPIF rewards for that utility? Please explain your response.

FIPUG RESPONSE: See response to Interrogatory No. 5.

10. Should a utility's GPIF reward amount be zero if the utility has not made any investments or incurred any expense directed at achieving its EAF and heat rate targets? Why or why not? Please explain your answer.

FIPUG RESPONSE: See response to Interrogatory No. 5.

s/ Vicki Gordon Kaufman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Florida Industrial Power Users Group's Objections and Responses to Staff's First Set of Interrogatories (Nos. 1-10) was served via Electronic Mail and First Class United States Mail this 2nd day of May, 2011 to the following:

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