

Dorothy Menasco

From: Williams, Monica A. [MOWILLIA@SOUTHERNCO.COM]
Sent: Wednesday, August 01, 2012 3:19 PM
To: Filings@psc.state.fl.us
Cc: Lee Eng Tan; ken.rubin@fpl.com; jbeasley@ausley.com; jwahlen@ausley.com; ken.hoffman@fpl.com; bkeating@gunster.com; KELLY.JR; rehwickle.charles@leg.state.fl.us; jbrew@bbrslaw.com; regdept@tecoenergy.com; vkaufman@moylelaw.com; jmoyle@moylelaw.com; john.burnett@pgnmail.com; dianne.triplett@pgnmail.com; samuel.miller@tyndall.af.mil; suzannebrownless@comcast.net; paul.lewisjr@pgnmail.com; rmiller@pcsphosphate.com; george@cavros-law.com; Badders, Russell A. (Beggs & Lane); Griffin, Steven R. (Beggs & Lane); 'jas@beggslane.com'
Subject: Gulf Power Company's Objections to SACE's First Set of Interrogatories (Nos. 1-16)
Attachments: Gulf Objections to SACEs 1st Set of ROG.pdf

- A. s/Susan D. Ritenour
Gulf Power Company
One Energy Place
Pensacola FL 32520
850.444.6231
sdriteno@southernco.com
- B. Docket No. 120002-EG
- C. Gulf Power Company
- D. Document consists of 8 pages
- E. The attached document is Gulf Power Company's Objections to SACE's First Set of Interrogatories (Nos. 1-16).

Thank you,

Monica Williams

Gulf Power Company • Corporate Secretary/Treasury
 One Energy Place • Pensacola, FL 32520-0601
 Phone: 850.444.6254 • Fax: 850.444.6026

Stay connected with Gulf Power



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DOCUMENT NUMBER-DATE

05183 AUG-1 2012

FPSC-COMMISSION CLERK

8/1/2012

Susan D. Ritenour
Secretary and Treasurer
and Regulatory Manager

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August 1, 2012

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0870

RE: Docket No. 120002-EG

Dear Ms. Cole:

Attached for electronic filing are Gulf Power Company's Objections to SACE's First Set of Interrogatories (Nos. 1-16) in the above referenced docket.

Sincerely,

A handwritten signature in black ink that reads "Susan D. Ritenour".

mw

Enclosures

cc: Beggs & Lane
Jeffrey A. Stone, Esquire

DOCUMENT NUMBER - DATE

05183 AUG-1 2012

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Energy conservation cost recovery
clause.

Docket No. 120002-EG
Dated: August 1, 2012

**GULF POWER COMPANY'S OBJECTIONS TO SACE'S FIRST
INTERROGATORIES TO GULF POWER (NOS. 1-16)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.340 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 Southern Alliance for Clean Energy's ("SACE") First Interrogatories to Gulf Power Company (Nos. 1-16, and respectively, and together "the Requests") and states as follows:

GENERAL OBJECTIONS

Gulf objects to each interrogatory to the extent that it seeks information spanning the past five years. The purpose of this docket is to establish conservation cost recovery factors for year 2013 based upon true-up costs incurred by Gulf in 2011, actual/estimated costs for 2012 and projected costs for 2013. Data predating 2011 is not relevant to any issues presented in this docket and is not reasonably calculated to lead to the discovery of admissible evidence. Consequently, Gulf will not provide data predating 2011.

With respect to any "Definitions" and "Instructions" in SACE's Interrogatories, 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 SACE's definitions that are inconsistent with those rules. 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. Gulf objects to any request that calls for Gulf to

perform analyses that it has not otherwise performed and would not normally perform in the ordinary course of its business because there is no such requirement under the applicable rules and law.

Additionally, Gulf generally objects to SACE'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 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 SACE'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, Gulf does not waive or relinquish its right to assert additional general and specific objections to SACE'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.

SPECIFIC OBJECTIONS

Interrogatory 9: Gulf objects to this interrogatory on the ground that it seeks information which is not relevant to any issue in this docket and is not calculated to lead to the discovery of admissible evidence. This interrogatory seeks information which relates to demand-side management program design and program efficiency. As noted in Order No. PSC-11-0507-PHO-EG, “this docket is limited to cost recovery of Commission approved conservation programs.” *Id.* at 14. Consequently, the “rate of free ridership” and “spillover rate” for each of Gulf’s Commission-approved DSM programs is beyond the scope of this cost recovery proceeding. To the extent that SACE desires to explore such subjects, it must attempt to do so in the context of the individual demand-side management plan dockets which specifically address these matters. *Id.* See also, Prehearing Transcript dated 10/20/2011 (Document No. 07767-11) at pages 27-36.

Interrogatory 12: Gulf objects to this interrogatory on the ground that the term “administrative costs” is vague and ambiguous and on the ground that the interrogatory directs Gulf to perform calculations that it does not otherwise perform in the routine course of its business and is not required to perform in connection with its cost recovery filings. The categories of costs required to be maintained and reported are included in the Company’s Schedule C2 filings and do not include a category titled “administrative costs.” Cost breakdown details for 2011 are found in Schedules CT-2 and CT-3 to the testimony of Gulf witness Jennifer Todd dated May 2, 2012 filed in Docket No. 120002-EG.

Interrogatory 14: Gulf objects to this interrogatory to the extent that it seeks information relating to year 2014. This docket is limited to recovery of costs associated with Gulf's approved demand-side management programs for years 2011, 2012 and 2013. Information related to years other than 2011, 2012 and 2013 is not relevant to any issues presented in this docket and is not reasonably calculated to lead to the discovery of admissible evidence. Gulf further notes that forecasts for year 2013 are the subject of Gulf's projection testimony which is due to be filed in this docket on September 12, 2012 and that Gulf continues to be in the process of developing this information. This information will be provided in testimony on September 12, 2012, but not sooner.

Interrogatory 15: Gulf objects to this interrogatory on the ground that it seeks information which is not relevant to any issue in this docket and is not calculated to lead to the discovery of admissible evidence. As noted in Order No. PSC-11-0507-PHO-EG, "this docket is limited to cost recovery of Commission approved conservation programs." *Id.* at 14. This interrogatory seeks explanation of the "basis" for participation and energy/demand savings forecasts which were previously established in Gulf's Commission-approved DSM Plan. These forecasts do not change from year to year, absent modifications to the Company's DSM Plan. To the extent that SACE desires to explore such subjects, it must attempt to do so in the context of the individual demand-side management plan dockets which specifically address these matters. *Id.* See also, Prehearing Transcript dated 10/20/2011 (Document No. 07767-11) at pages 27-36.

Interrogatory 16: Gulf objects to this interrogatory to the extent that it seeks information relating to year 2014. This docket is limited to recovery of costs associated with Gulf's approved demand-side management programs for years 2011, 2012 and 2013. Information related to years other than 2011, 2012 and 2013 is not relevant to any issues presented in this docket and is not reasonably calculated to lead to the discovery of admissible evidence. Gulf

further notes that forecasts for year 2013 are the subject of Gulf's projection testimony which is due to be filed in this docket on September 12, 2012 and that Gulf continues to be in the process of developing this information. This information will be provided in testimony on September 12, 2012, but not sooner.

Respectfully submitted this 1st day of August 2012.

/s/ Steven R. Griffin

JEFFREY A. STONE

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RUSSELL A. BADDERS

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Attorneys for Gulf Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 1st day of August, 2012 to all parties of record as indicated below.

<p>Lee Eng Tan, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 Ltan@psc.state.fl.us</p> <p>James D. Beasley, Esq. J. Jeffrey Wahlen, Esq. Ausley & McMullen Law Firm P.O. Box 391 Tallahassee, FL 32302 jbeasley@ausley.com jwahlen@ausley.com</p> <p>J.R.Kelly/Charles Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, #812 Tallahassee, FL 32399 Kelly.jr@leg.state.fl.us Rehwinkel.charles@leg.state.fl.us</p> <p>Ms. Paula K. Brown Tampa Electric Company P.O. Box 111 Tampa, FL 33601 regdept@tecoenergy.com</p> <p>Moyle Law Firm Vicki Gordon Kaufman/Jon C. Moyle, Jr. 118 North Gadsden Street Tallahassee, FL 32301 vkaufman@moylelaw.com jmoyle@moylelaw.com</p>	<p>Kenneth M. Rubin, Esq. Florida Power & Light Co. 700 Universe Boulevard Juno Beach, FL 33408 Ken.Rubin@fpl.com</p> <p>Ken Hoffman Florida Power & Light 215 S. Monroe Street, Ste. 810 Tallahassee, FL 32301-1859 Ken.hoffman@fpl.com</p> <p>Beth Keating Gunster, Yoakley & Stewart, P.A. 215 S. Monroe St., Ste 618 Tallahassee, FL 32301 bkeating@gunster.com</p> <p>Cheryl Martin & Aleida Socarras Florida Public Utilities Company P.O. Box 3395 West Palm Beach, FL 33402-3395</p> <p>James W. Brew, Esq. c/o Brickfield Law Firm 1025 Thomas Jefferson St., NW 8th Floor, West Tower Washington, DC 20007 jbrew@bbrslaw.com</p> <p>John T. Burnett, Esq. Dianne M. Triplett, Esq. Progress Energy Service Company, LLC Post Office Box 14042 St. Petersburg, FL 33733-4042 John.Burnett@pgnmail.com Dianne.Triplett@pgnmail.com</p>
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/s/ Steven R. Griffin
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