

Shawna Senko

From: Darnes, Melissa Ann <MADARNES@SOUTHERNCO.COM>
Sent: Monday, November 18, 2013 2:42 PM
To: Filings@psc.state.fl.us
Cc: mcglothlin.joseph@leg.state.fl.us; jmoyle@moylslaw.com; gregory.fike@us.af.mil; Christopher.Thompson.5@us.af.mil; Thomas.Jernigan@us.af.mil; Suzanne Brownless; Martha Barrera; 'schef@gbwlegal.com' (schef@gbwlegal.com); jlavia@gbwlegal.com; Stone, Jeff A.; Griffin, Steven R. (Beggs & Lane); Badders, Russell A. (Beggs & Lane); Melson, Rick (Melson Law); Guyton, Charles A. (Gunster); Roddy, Lisa; Yablonski, Brian; McGee, Robert L., Jr. (GULF); Terry, Bentina C.
Subject: The Parties' Joint Motion to Hold Discovery in Abeyance and Waiver of Notice of Hearing for Consideration of Settlement; Docket 130140-EI
Attachments: 130140-EI Joint Motion Re Pending Discovery 11-18-2013 (signed).pdf; 130140-EI Joint Motion Re Pending Discovery 11-18-2013.docx

A. s/Robert L. McGee

Gulf Power Company

One Energy Place

Pensacola FL 32520

850.444.6530

rlmcgee@southernco.com

B. Docket No. 130140-EI

C. Gulf Power Company

D. Document consists of 9 pages.

E. The attached document is the Parties' Joint Motion to Hold Discovery in Abeyance and Waiver of Notice of Hearing for Consideration of Settlement.

Melissa Darnes

Gulf Power Company • Admin Assistant I/Regulatory & Pricing
One Energy Place • Pensacola, FL 32520-0601
Phone: 850.444.6730 • Fax: 850.444.6026

Stay connected with Gulf Power



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 130140-EI
Date Filed: November 18, 2013

**JOINT MOTION TO HOLD DISCOVERY IN ABEYANCE AND WAIVER OF NOTICE
OF HEARING FOR CONSIDERATION OF SETTLEMENT**

Gulf Power Company (“Gulf”), the Office of Public Counsel (“OPC”), Florida Industrial Power Users Group (“FIPUG”), the Federal Executive Agencies (“FEA”), and Wal-Mart Stores East, LP and Sam’s East, Inc. (“Walmart”) (collectively referred to as “Joint Movants”) by and through their undersigned attorneys, respectfully submit to the Prehearing Officer this Joint Motion to Hold Discovery In Abeyance, and in support thereof, state as follows:

1. On July 12, 2013 Gulf filed its Petition in this proceeding requesting a permanent increase in base rates and miscellaneous service charges based on a 2014 projected test year.
2. The OPC, FIPUG, Walmart and FEA have intervened in this proceeding.
3. The Joint Movants have filed prepared testimony and accompanying exhibits and have commenced the process of conducting extensive discovery in preparation for the evidentiary hearing scheduled to commence on December 9, 2013.
4. The Joint Movants have undertaken extensive discussions to resolve the issues raised in this proceeding. As a result of those discussions, on November 15, 2013, the Joint Movants reached a written agreement in principle. With the permission of all Joint Movants, OPC and Gulf notified the Commission of the fact that such an agreement had been reached on Friday afternoon, November 15, 2013. Such notification was made through representatives in

the office of the Prehearing Officer and the Office of General Counsel. The agreement in principle sets forth the Joint Movants' intent to memorialize the terms thereof to a final settlement agreement and supporting documents, including a joint motion for approval of the settlement itself and associated tariff sheets, which will be filed with the Commission as soon as practicable. If and when approved by the Commission, the settlement agreement will resolve all outstanding issues to be resolved by the Commission in this proceeding.

5. In order to preserve the status quo among the parties pending Commission review of the proposed settlement agreement, to allow the Joint Movants an opportunity to prepare and submit their settlement agreement and supporting documents for the Commission's consideration, to avoid the further expenditure of human and financial resources on the discovery activities that are pending at this time, and to facilitate the expeditious and efficient resolution of all issues in this proceeding, the Joint Movants hereby request that all discovery activities in this proceeding be suspended and held in abeyance until such time as the Commission considers the settlement agreement. The Joint Movants expect to submit a complete joint settlement agreement, including all necessary supporting documents, to the Commission on or before November 22, 2013. Although the Joint Movants respectfully defer to the Commission and its preference on scheduling, the Joint Movants hereby request that the Commission give notice of and convene a hearing to consider the settlement agreement for possible approval at or on the date of its scheduled December 3, 2013 Commission Conference or sooner, if that is feasible given the Commission calendar. The Joint Movants hereby waive all notice requirements for such hearing as set forth in Section 120.569(2)(b) of the Florida Statutes or other applicable provisions of law.

6. On November 25, 2013 the Commission is scheduled to conduct a prehearing conference in this proceeding. The Joint Movants request that the time set aside on November 25, 2013 for the prehearing in this matter be used instead as a workshop for the Joint Movants to meet with and answer questions from the Commission's staff and Commissioners about the settlement agreement.

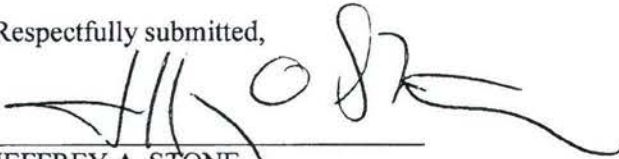
7. If the settlement is not ultimately approved by the Commission, the Joint Movants propose rescheduling the prehearing conference to December 4, 2013. Likewise, if the settlement is not approved, the Joint Movants propose that all parties' responses to written discovery be due on December 5, 2013. The Joint Movants will work expeditiously with Commission Staff to reschedule the cancelled depositions, and propose that December 4th through 6th be made available for the Commission's staff and parties to conduct depositions of the witnesses currently scheduled for depositions by Staff on November 20 (Gulf Witnesses Caldwell and Burleson), November 21 (Gulf Witness Vander Weide and FEA Witness Gorman) and November 26 (OPC Witnesses Woolridge and Garrett) and other depositions that have been canceled by the parties and may need to be rescheduled.

8. Granting this Joint Motion will provide for the orderly, efficient, and expeditious resolution of all issues in this docket, while avoiding the time, effort, and expense of the additional discovery activities that would, if the Joint Motion were not granted, have to proceed over the next several days, when the Joint Movants intend to be working on the definitive settlement agreement and supporting documents. Accordingly, granting the Joint Motion is in the public interest and the best interests of all parties to this proceeding.

WHEREFORE, the Joint Movants move for entry of an order holding discovery in this matter in abeyance consistent with this motion for the purpose outlined above.

Dated this 18th day of November 2013.

Respectfully submitted,

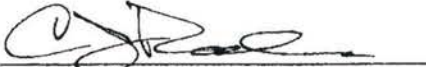
A handwritten signature in black ink, appearing to read 'Jeffrey A. Stone', written over a horizontal line.

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
Attorneys for Gulf Power Company

WHEREFORE, the Joint Movants move the Prehearing Officer for entry of an order holding discovery in this matter in abeyance consistent with this motion for the purpose outlined above.

Dated this 18th day of November 2013.

Respectfully submitted,



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

WHEREFORE, the Joint Movants move the Prehearing Officer for entry of an order holding discovery in this matter in abeyance consistent with this motion for the purpose outlined above.

Dated this 18th day of November 2013.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Karen Putnal", written over a horizontal line.

Jon C. Moyle, Jr., Esquire
Karen A. Putnal, Esquire
Moyle Law Firm
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301
The Florida Industrial Power Users Group

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Dated this 18th day of November 2013.

Respectfully submitted,



Christopher Thompson, Maj, USAF
Thomas A. Jernigan, Capt, USAF
Gregory J. Fike, Lt Col, USAF
AFLOA/JACL-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403
Federal Executive Agencies

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Dated this 18th day of November 2013.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert Scheffel Wright". The signature is written in a cursive style and is positioned above a horizontal line.

Robert Scheffel Wright
Florida Bar No. 0966721

John T. LaVia, III
Florida Bar No. 0853666

Gardner Bist Wiener Wadsworth Bowden Bush, Dee LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
Telephone 850/385-0070
Facsimile 850/385-5416

Attorneys for Walmart Stores East, LP and Sam's East, Inc.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Increase in Rates)
By Gulf Power Company)
)

Docket No.: 130140-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished via electronic mail to the Commission Clerk and to all counsel of record as indicated below via electronic mail this 18th day of November, 2013:

J. R. Kelly/Joseph A. McGlothlin
Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32393-1400
mcglothlin.joseph@leg.state.fl.us

Florida Industrial Power Users
Group
Jon C. Moyle, Jr.
Karen Putnal
c/o Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com

Federal Executive Agencies
c/o Lt. Col. Gregory J. Fike
BAI (Brubaker & Associates, Inc.)
Attn.: Greg Meyer
16690 Swingley Ridge Road
Suite 140
Chesterfield, MO 63017
gregory.fike@us.af.mil
Christopher.Thompson.5@us.af.mil
Thomas.jernigan@us.af.mil
gmeyer@consultbai.com

Suzanne Brownless
Martha Barrera/Martha Brown
Office of the General Counsel
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850
sbrownle@psc.state.fl.us
mbarrera@psc.state.fl.us
mbrown@psc.state.fl.us

Robert Sheffel Wright
John T. La Via, III
c/o Gardner Law Firm
1300 Thomaswood Drive
Tallahassee, FL 32308
Schef@gbwlegal.com
jlavia@gbwlegal.com



JEFFREY A. STONE

Florida Bar No. 325953

RUSSELL A. BADDERS

Florida Bar No. 007455

STEVEN R. GRIFFIN

Florida Bar No. 0627569

BEGGS & LANE

P. O. Box 12950

Pensacola FL 32591-2950

(850) 432-2451

Attorneys for Gulf Power