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July 30, 2018

Ms. Carlotta Stauffer, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 20180007-EI

Dear Ms. Stauffer:

Attached herein are Gulf Power Company's Objections to Sierra Club's First Set of Interrogatories (Nos. 1-9) and First Request for Production of Documents (Nos. 1-7) submitted by electronic mail in the above-referenced docket.

Sincerely,

A handwritten signature in blue ink that reads "Rhonda J. Alexander".

Rhonda J. Alexander
Regulatory, Forecasting and Pricing Manager

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Attachments

cc: Gulf Power Company
Jeffrey A. Stone, Esq., General Counsel
Beggs & Lane
Russell Badders, Esq.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Environmental Cost Recovery Clause

Docket No. 20180007-EI

Dated: July 30, 2018

**GULF POWER COMPANY'S OBJECTIONS
TO SIERRA CLUB'S FIRST INTERROGATORIES
TO GULF POWER (NOS. 1-9)**

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 Sierra Club's First Interrogatories to Gulf Power Company (Nos. 1-9, and respectively, and together "the Requests") and states as follows:

GENERAL OBJECTIONS

With respect to any "Definitions" and "Instructions" in Sierra Club'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 Sierra Club'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. 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 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.

Additionally, Gulf generally objects to Sierra Club'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, 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 Sierra Club'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.

SPECIFIC OBJECTIONS

Interrogatory 1-9: Gulf objects to these interrogatories on the grounds that they seek information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence. The matters related to these questions are beyond the scope of Docket No. 20180007-EI. The requested information relates to a preliminary analysis provided in Gulf's

Environmental Compliance Program Update regarding potential future environmental compliance activities at Gulf's Plant Crist. This preliminary analysis was provided by Gulf for informational purposes only and does not constitute a request for action by the Florida Public Service Commission. Gulf is not relying on the Environmental Compliance Program Update as support for any position in this docket. Gulf's request in this docket for this cost recovery cycle does not include costs related to approval of any new programs at Plant Crist. Discovery related to future programs is not ripe at this time and does not have any bearing on the costs for programs/projects included in Gulf's request in this docket. Further, the Environmental Compliance Program Update was submitted prior to the announcement of the pending acquisition of Gulf by NextEra Energy. The effects of the acquisition of Gulf by NextEra Energy could not be considered in the Environmental Compliance Program Update. The Environmental Compliance Program Update is based on Gulf operating as part of the Southern Electric System and other assumptions associated with planning as part of the Southern Electric System that may not be applicable in future periods as a result of the pending acquisition by NextEra Energy.

Respectfully submitted this 30th day of July 2018.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Environmental Cost Recovery Clause

Docket No. 20180007-EI

Dated: July 30, 2018

**GULF POWER COMPANY'S OBJECTIONS
TO SIERRA CLUB'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS (NOS. 1-7)**

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 Sierra Club's First Request for Production of Documents (Nos. 1-7, and respectively, and together "the Requests") and states as follows:

GENERAL OBJECTIONS

With respect to any "Definitions" and "Instructions" in Sierra Club's Requests 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 of Sierra Club'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.

Additionally, Gulf generally objects to Sierra Club's Requests to the extent that they call for documents 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 Sierra Club'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. Gulf generally objects to each Request to the extent that it calls for information that is not relevant to this case.

SPECIFIC OBJECTIONS

Requests 1-7: Gulf objects to these Requests on the grounds that they seek information which is not relevant and which is not reasonably calculated to lead to the discovery of admissible evidence. The matters related to these questions are beyond the scope of Docket No. 20180007-

EI. The requested information relates to a preliminary analysis provided in Gulf's Environmental Compliance Program Update regarding potential future environmental compliance activities at Gulf's Plant Crist. This preliminary analysis was provided by Gulf for informational purposes only and does not constitute a request for action by the Florida Public Service Commission. Gulf is not relying on the Environmental Compliance Program Update as support for any position in this docket. Gulf's request in this docket for this cost recovery cycle does not include costs related to approval of any new programs at Plant Crist. Discovery related to future programs is not ripe at this time and does not have any bearing on the costs for programs/projects included in Gulf's request in this docket. Further, the Environmental Compliance Program Update was submitted prior to the announcement of the pending acquisition of Gulf by NextEra Energy. The effects of the acquisition of Gulf by NextEra Energy could not be considered in the Environmental Compliance Program Update. The Environmental Compliance Program Update is based on Gulf operating as part of the Southern Electric System and other assumptions associated with planning as part of the Southern Electric System that may not be applicable in future periods as a result of the pending acquisition by NextEra Energy.

Respectfully submitted this 30th day of July, 2018.



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: **Environmental Cost**)
Recovery Clause)

Docket No.: 20180007-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by electronic mail this 30th day of July, 2018 to the following:

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