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August 22, 2018

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

RE: Docket No. 20180125-EU

Dear Ms. Stauffer:

Attached for official filing in the above-referenced docket is Gulf Power Company's Motion for Limited Extension of Time to Conduct Discovery and Submit Briefs.

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.  
Beggs & Lane  
Russell Badders, Esq.

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint against Gulf Power Company  
for expedited enforcement of territorial order,  
by Gulf Coast Electric Cooperative, Inc.

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Docket No: 20180125-EU  
Served: August 22, 2018

**GULF POWER COMPANY'S MOTION  
FOR LIMITED EXTENSION OF TIME TO  
CONDUCT DISCOVERY AND SUBMIT BRIEFS**

Gulf Power Company ("Gulf Power," "Gulf," or "the Company"), by and through its undersigned counsel, and pursuant to Rules 28-106.204 and 28-106.211, Florida Administrative Code, hereby submits the Company's Motion for Limited Extension of Time to Conduct Discovery and Submit Briefs.

1. On July 23, 2018, the Prehearing Officer assigned to this docket issued Order No. PSC-2018-0357-PCO-EU titled "Order Setting Procedure to Consider Motion for Summary Final Order" (the "Procedural Order"). The Procedural Order allows for limited discovery on the issue of whether Gulf Power provided sufficient notice to Gulf Coast Electric Cooperative, Inc. ("GCEC") under the parties' territorial agreement and sets forth controlling dates for: (i) submission of affidavits (August 10, 2018); (ii) completion of discovery (August 31, 2018); (iii) submission of briefs (September 7, 2018); and (iv) consideration of Gulf Power's Motion for Summary Final Order at Agenda Conference (October 9, 2018).

2. To date, the parties to the docket have each exchanged requests for production of documents and submitted affidavits. GCEC's response to Gulf Power's First Request for Production of Documents is due on August 23, 2018. Additionally, on Friday, August 17, 2018, GCEC deposed Gulf Power witness Mr. Joshua Rogers.<sup>1</sup> On Tuesday, August 21, 2018, Gulf

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<sup>1</sup> Mr. Rogers authored and sent the October 20, 2017 notice which is central to the instant dispute.

Power notified GCEC of its request to depose its Vice President of Engineering, Mr. C. Peyton Gleaton, Jr.<sup>2</sup> Specifically, Gulf Power proposed to depose Mr. Gleaton at GCEC's corporate offices or another mutually acceptable location on August 29, 30, or 31, 2018. Shortly thereafter, GCEC informed Gulf Power that Mr. Gleaton would be out of the office for the entire week of August 27, 2018, and would not be available for deposition during Gulf Power's suggested dates. GCEC further informed Gulf Power that Mr. Gleaton would return to work on Tuesday, September 4, and would be available for deposition that afternoon at GCEC's corporate office. GCEC acknowledged that the proposed date fell outside of the August 31, 2018 discovery cut-off and indicated that it would not object on that basis.

3. In response, Gulf Power noted that a September 4 deposition could prove problematic given the fact that briefs are due on September 7, 2018, and that transcription of the deposition could take at least one to two days. Therefore, Gulf inquired as to whether GCEC would oppose a motion to extend the briefing deadline by a modest four days to September 11, 2018. GCEC informed Gulf Power that it would not oppose such a motion.

4. According to the Procedural Order, the parties have been afforded the opportunity to submit briefs "[i]n order to ensure that the parties have had every opportunity to address any affidavits filed or discovery propounded under this Order." Order at p. 3. Conducting the deposition of GCEC's key witness a mere three days before the briefing deadline, without a reasonable extension of such deadline, would substantially prejudice Gulf Power's ability to address matters raised during such deposition. Moreover, according to the Procedural Order, it is contemplated that "[t]he Commission may consider discovery received on [the sufficiency of Gulf Power's notice] when ruling on Gulf Power's Motion for Summary Final Order." Order at

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<sup>2</sup> Mr. Gleaton is the GCEC representative to whom the October 20, 2017 notice was sent.

p. 6. Thus, an extension would not only mitigate prejudice to Gulf Power, it would also aid the Commission in rendering an informed decision on Gulf Power's Motion for Summary Final Order. Moreover, granting a modest extension of the briefing deadline will not prejudice GCEC.

5. As noted above, counsel for Gulf Power has consulted with counsel for GCEC regarding this motion and is authorized to represent that GCEC not does oppose the same.

**WHEREFORE**, Gulf Power respectfully requests that the Prehearing Officer enter an order extending the discovery deadline to September 4, 2018, in order to accommodate the deposition of Mr. Gleaton and extend the briefing deadline to September 11, 2018, in order to enable Gulf Power to address matters raised during the course of such deposition.

Respectfully submitted this 22<sup>nd</sup> day of August, 2018.

*/s/ Steven R. Griffin*  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: **Complaint against Gulf Power Company** )  
**for expedited enforcement of territorial order,** )  
**by Gulf Coast Electric Cooperative, Inc.** )

Docket No.: 20180125-EU


**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was furnished by electronic mail this 22nd day of August, 2018 to the following:

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