

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Michael, by Gulf Power Company.

DOCKET NO.: 20190038-EI

FILED: May 13, 2020

**CITIZENS' MOTION TO SUBSTITUTE AMENDED DISCOVERY AND WITHDRAW PREVIOUS DISCOVERY**

The Citizens of the State of Florida (Citizens), by and through the Office of Public Counsel (OPC), pursuant to Rule 28-106.204, Florida Administrative Code (F.A.C.), hereby file Citizens' Motion To Substitute Amended Discovery and Withdraw Previous Discovery, in the above dockets. Citizens request that the attached discovery be substituted in place of the originally served discovery with all deadlines and obligations under the originally served discovery remaining unchanged. Further, Citizens request that after the requested substitution the originally served discovery be withdrawn. As grounds for this motion, Citizens state as follows:

1. On or about February 20, 2020, Citizens served their 2<sup>nd</sup> Set of Interrogatories (36-76) and 2<sup>nd</sup> Set of Requests for Production of Documents (23-32) on Gulf.
2. On or about March 20, 2020, Citizens served their 3<sup>rd</sup> Set of Interrogatories (77-88) and 3<sup>rd</sup> Set of Requests for Production of Documents (33-41) on Gulf.
3. On or about March 23, 2020, Gulf served its objections, responses, responsive documents, and answers to Citizens' second set of discovery. A substantial amount of the information contained in the response was designated as confidential by Gulf. While such confidentiality is presumed for purposes of this motion, Citizens do not otherwise waive any objection they may have to such confidentiality.
4. Between April 20, 2020, and April 23, 2020, Gulf served its objections, responses, responsive documents, and answers to Citizens' third set of discovery. A substantial amount of

the information contained in the response was designated as confidential by Gulf. While such confidentiality is presumed for purposes of this motion, Citizens do not otherwise waive any objection they may have to such confidentiality.

5. Gulf notified Public Service Commission Staff (Staff) of the fact that, in addition to its objections, responses, responsive documents, and answers, several of the discovery requests served by Citizens in the above-referenced sets contained information it considered confidential. While such confidentiality is presumed for purposes of this motion, Citizens do not otherwise waive any objection they may have to such confidentiality.

6. Staff, through counsel for Gulf, suggested that Citizens withdraw the original discovery and substitute discovery that omits or amends the aforementioned confidential information to the extent that the discovery requests will not contain any information Gulf considers confidential.

7. Citizens submit the attached amended discovery requests, identified and entitled as follows:

**Attachment A** – Citizens’ Amended Second Set of Interrogatories to Gulf Power Company (Nos. 36-76)

**Attachment B** – Citizens’ Amended Second Request for Production of Documents to Gulf Power Company (Nos. 23-32)

**Attachment C** – Citizens’ Amended Third Set of Interrogatories to Gulf Power Company (Nos. 77-88)

**Attachment D** – Citizens’ Amended Third Request for Production of Documents to Gulf Power Company (Nos. 33-41)

8. Upon the acceptance of the amended discovery in substitution of the originally served discovery containing the confidential information, Citizens thereby withdraw the originally served discovery.

9. Citizens and Gulf agree that this amendment, substitution, and withdrawal of the discovery requested herein will not change any of Gulf's deadlines or obligation under the previous discovery.

10. Counsel for Citizens has discussed this motion with counsel for Gulf and may represent that Gulf supports and joins in this motion.

WHEREFORE, Citizens respectfully request that the attached discovery be substituted in place of the originally served discovery with all deadlines and obligations under the originally served discovery remaining unchanged. Further, Citizens request that after the requested substitution the originally served discovery be withdrawn.

Respectfully submitted,

J. R. Kelly  
Public Counsel

s/ Thomas A. (Tad) David  
Thomas A. (Tad) David  
Associate Public Counsel

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Attorneys for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20190038-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Citizens' Motion to Substitute Amended Discovery and Withdraw Previous Discovery has been furnished by electronic mail on this 13<sup>th</sup> day of May 2020, to the following:

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Michael, by Gulf Power Company.

DOCKET NO.: 20190038-EI

FILED: May 13, 2020

Nunc pro tunc February 20, 2020

**CITIZENS' AMENDED SECOND SET OF INTERROGATORIES TO  
GULF POWER COMPANY (NOS. 36-76)**

Pursuant to section 350.0611(1), Florida Statutes (“ F.S.”), Rule 28-106.206, Florida Administrative Code (“F.A.C.”), and Rule 1.340, Florida Rules of Civil Procedure, the Citizens of the State of Florida (“Citizens”), through the Office of Public Counsel (“OPC”), propound the following interrogatories to Gulf Power Company (“Gulf” or “Company”), to be answered on or before June 12, 2020. These interrogatories shall be answered under oath by the Company or its agent, who is qualified and who will be identified. As provided by Rule 1.340(a), Florida Rules of Civil Procedure, each interrogatory shall be answered separately and fully in writing under oath unless it is objected to. Each answer shall be signed by the person making it. Please supply the name, address, and relationship to the Company of those persons providing the answers to each of the following interrogatories

To the extent the Company provides documents in response to an interrogatory, Citizens request that, in lieu of hard copy responses, the Company provide the documents electronically as described below in the Instructions. To the extent the Company provides electronic documents on a removable drive or disk, Citizens request the Company produce the drive or disk at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400.

**DEFINITIONS**

As used herein, the following words shall have the meanings indicated:

“You,” “your,” “Company,” or “Gulf” refers to Gulf Power Company, its employees, consultants, agents, representatives, attorneys of the Company, and any other person or entity action on behalf of the Company. “Parent” means the holding company or parent of the Florida regulated

Company. “Affiliate” means the affiliates or sister companies regulated in Florida or which are regulated by, or operate primarily in, another jurisdiction.

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software.

“Identify” means:

- (a) With respect to a person, to state the person’s name, address and business relationship (e.g., “employee”) to the Company;
- (b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical, or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

“Explain” means to give the details of the outcome, inputs, process, conditions, circumstances, etc. that are related, directly or indirectly, to the subject of the interrogatory. This includes, but is not limited to, the purpose or intent of any process or undertaking that is the subject of or responsive to the interrogatory.

“Provide” means the response must contain all information accessible to the Company that is related, directly or indirectly, to the subject of the interrogatory.

### **INSTRUCTIONS**

1. To the extent an interrogatory calls for information which cannot now be precisely and completely furnished, such information as can be furnished should be included in the answer, together with a statement that further information cannot be furnished, and a statement as to the reasons therefore. If you expect to obtain further information between the time answers are served and the time of hearing, you are requested to state this fact in each answer. If the information which cannot now be furnished is believed to be available to another person, identify such other person and the reasons for believing such person has the described information.
2. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring within the scope of this discovery request any response which might otherwise be constructed or construed to be outside the scope.

3. In the event any interrogatory herein calls for information or documents which you deem to be privileged, in whole or in part, you shall
  - (a) make the claim expressly and specify the grounds relied upon for the claim of privilege,
  - (b) produce the information or documents in redacted form, and
  - (c) to the extent any information or documents are withheld, you shall identify and describe the nature of each document not disclosed and each redacted provision in a manner that will enable other parties to assess the applicability of the privilege or protection.
4. Documents or reports to be identified shall include all documents in your possession, custody and control and all other documents of which you have knowledge. If a document is produced in response to an interrogatory, please produce a copy of the original and all versions that are different in any way from the original, whether by interlineation, receipt stamp or notation. If you do not have possession, custody, or control of the originals of the documents requested, please produce a copy of the version(s) in your possession, custody, or control, however, made.
5. Separate answers shall be furnished for each interrogatory, although where the context permits, an interrogatory may be answered by reference to the answer furnished to another interrogatory.
6. For each interrogatory, identify the name, address, telephone number and position of the person responsible for providing the answer.
7. Responsive documents available in an electronic format shall be provided in their native, Windows-compatible, electronic format; a searchable portable document format (.pdf); or, if scanned, in a searchable, OCR (Optical Character Recognition (“OCR”) searchable .pdf format, unless the parties have reached a specific agreement in advance for production of the documents in a different, agreed-upon format or medium. OPC requests that responses for each production of document request be provided in separate electronic folders that include the documents responsive to the request.

Please provide all responses to these interrogatories that include workpapers, data, calculations and spreadsheets in non-password protected and executable Windows-compatible computer program/models/software. Formulae, links, and cells, formatting, metadata and any other original features assisting in calculation should be intact. For example, Excel documents and documents of a similar format shall be produced in their native electronic format, with all spreadsheets, formulas, and links unlocked and intact. To the extent the data requested does not exist in the form requested, please notify the undersigned counsel so that the parties can confer to reach a resolution for timely production.



## **INTERROGATORIES**

36. Identify the records referenced in Gulf's answers to OPC's First Set of Interrogatories by the Bates numbers stamped on those records.
37. Identify in a list format each vendor name associated with each binder number contained in Gulf's response to POD 10 in OPC's First Request for Production of Documents.
38. Refer to the "Hurricane Michael Master Log" produced as part of Gulf's response to POD 10 of OPC's First Request for Production of Documents (hereinafter "Hurricane Michael Master Log"), specifically to the tab marked with Bates number 62134 with the amount for Materials and the associated footnote.
  - a. Please identify all invoices listed on the tab marked with Bates number 61233 and the amounts from each such invoice that were aggregated to establish the total amount shown in the line item Materials & Supplies shown in Exhibit MG-1 to the petition in this docket at page 1, Line 9. If none, then so state.
  - b. Please reconcile the total found in cell B10 of the tab marked with Bates number 62134 in the Hurricane Michael Master Log with the total costs found on line 12, in column 6, on Page 1 of Exhibit MG-1 to the testimony of Mitchell Goldstein (hereinafter referred to as "Exhibit MG-1," which is also found at Bates number 62135), and explain the basis and/or cause of any differences. Include in the explanations differences between invoice dollars reviewed in cell B5 and the invoice amounts ultimately included as part of the costs reflected in Exhibit MG-1, including, but not limited to, invoice exceptions either credited in credit memos or separately refunded by the vendors.
39. Refer to Exhibit MG-1 and the cost categories shown on lines 4 through 11. Please provide the total costs included in each of these lines by vendor or service provider as shown on the Master Log in an Excel spreadsheet in live format with all formulas intact.
40. The invoices provided in response to Gulf's response to POD 10 in OPC's First Request For Production of Documents indicate that numerous contractors consistently charged 16 hours per day seven days a week for each of their employees and consistently charged 16 hours per day for equipment, apparently regardless of actual hours worked and equipment usage.
  - a. Identify all contract terms and/or documentation that authorized each of these contractors to consistently charge 16 hours per day per employee and 16 hours per day for equipment regardless of actual hours worked and equipment usage.

- b. Describe the steps the Company took to confirm or verify that these contractor employees actually worked 16 hours per day.
  - c. For each of the contractors that charged 16 hours per day per employee and 16 hours per day for equipment, provide the timesheets signed by the supervisors documenting actual time worked associated with each of such invoice. If there are no time sheets available other than the standard 16 hours per day attached to invoices, affirmatively state so and explain the absence of time sheets and the alternative method for verifying hours actually worked.
  - d. For each of these vendors, provide documentation verifying they paid their employees the invoiced 16 hours per day.
41. Refer to the Excel spreadsheet titled Attachment 1 to Gulf's response to POD 1 in OPC's First Request for Production of Documents, specifically to the tab marked with Bates number 62148.
- a. For the amount corresponding to the row 26 and column C, provide a description of these costs and provide all reasons why the Company believes that each such cost is a recoverable storm costs.
  - b. Provide a copy of all support for those costs, including invoices, correspondence, journal entries, and all other relevant documents.
42. Refer to the Excel spreadsheet titled Attachment 1 to Gulf's response to POD 1 in OPC's First Request for Production of Documents, specifically to the tab marked with Bates number 62149.
- a. Please provide a description of the labor costs reflected on this tab.
  - b. Please provide a description of the heading in each column and the information provided in that column.
43. Refer to the Excel spreadsheet titled Attachment 1 to Gulf's response to POD 1 in OPC's First Request For Production of Documents, specifically to the tabs marked with Bates numbers 62143) and 62146.
- a. Please provide a detailed description of the costs reflected on each of these tabs beyond that reflected in the current column headers.
  - b. Please describe the amounts referenced in cells M9 and N9 on the tab marked with Bates number 62143 (e.g.-when it was purchased, where it was recorded (plant account/subaccount), and the journal entries to include the cost of the

equipment in Hurricane Michael storm costs, if any). In your response, indicate whether this was equipment the Company already had in its possession that was recorded on the Company's accounting books or new reserve equipment purchased after the storm.

- c. Please explain why the Company believes that the costs referenced in subpart b above are recoverable storm costs.
44. Refer to the Excel spreadsheet titled Attachment 1 to Gulf's response to POD 1 in OPC's First Request for Production of Documents, specifically to the ICCA section of the tab marked with Bates number 62150. Please provide all documents that support the ICCA amounts in this section, including electronic spreadsheets with formulas intact and all other supporting documentation.
45. Refer to Gulf's response to INT 15 in OPC's First Set of Interrogatories, specifically to the file labelled "Southern Company Storm Agreement for Contract Tree Crews - Excerpt - Confidential" (Comprising Bates number 62318-62324). The footer at the bottom of each page indicates the document has 11 pages but only the first 7 pages were attached. Please explain why Gulf did not provide the missing pages, and supplement the response to the previous POD to include all pages.
46. Refer to the "Hurricane Michael Master Log", specifically to the tab marked with Bates number 62133. Explain and describe all criteria used to classify 2019 invoices as storm related. Provide all documents that document these criteria. If none, then describe how these criteria were adopted and applied and how they were communicated to the accounting and auditing personnel who reviewed the costs.
47. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically invoice binders 47.0, 47.1, and 47.2 and refer also to the contract pages located in Gulf's response to POD 6 in OPC's First Request for Production of Documents related to this vendor. Explain why invoices from this vendor were separated into three binder classifications and why labor rates are similar for invoices in binders 47.0 and 47.2, but not for binder 47.1.
48. Refer to Gulf's response to POD 10 in OPC's First Request For Production of Documents, specifically invoice binders 47.0, 47.1, and 47.2, and refer also to the contract pages located in Gulf's response to POD 6 in OPC's First Request For Production of Documents related to this vendor, specifically to the contract labor rates provided in response to POD 6, A-G, at the page identified by Bates number 000193. (These rates appear to be most of the labor

rates associated with invoices in binders 47 and 47.2, except for rates associated with Supervisory Safety labor rates for invoices contained in binder 47.2.)

- a. Identify by file name(s) and Bates number(s) the pages that contain contract amounts shown in the response to POD 6 and that also show the contract rates for binder 47.1. If Gulf has not already provided the documents containing the answer to this interrogatory, please supplement the response to POD 6.
  - b. Identify by file name(s) and Bates number(s) the pages that contain contract amounts shown in the response to POD 6 and that also show the contract rates for binder 47.2 associated with Supervisory Safety labor rates. If Gulf has not already provided the documents containing the answer to this interrogatory, please supplement the response to POD 6.
49. Refer to Gulf's response to POD 10 in OPC's First Request for Production of Documents, specifically to the invoice binder 105 (Bates numbers 32859-33289)..
- a. Describe the specific services provided by this contractor and explain why there were no storm related costs for this contractor during the first quarter of 2019 and why there were multiple invoices for storm related costs during the months of May through July 2019.
  - b. Were the costs defined as storm related during the months of May through July 2019 included in the total costs shown in Exhibit MG-1?
  - c. Describe in detail the method and all criteria used by the Company to determine that a portion of the May through July 2019 binder 105 invoice costs were storm related.
  - d. Provide examples from actual invoices that demonstrate how the Company determined that a portion of the costs were storm related and how it applied specific criteria for this determination.
50. Refer to the "Hurricane Michael Master Log," specifically to the worksheet marked with Bates number 62133 and to cell V1565 as an example of similar comments in column V. Provide the support developed for each such exception. In addition, describe the action taken in response to each such exception and describe how each such action affected the recoverable costs sought by the Company in this proceeding.

51. Refer to the "Hurricane Michael Master Log," specifically to the worksheet marked with Bates number 62133 and to column P . Explain how any exceptions, along with any refunds received, were recorded to account 186 for the following exception amounts in column P:

- a. Exception amount found on cell P3952. The Master Invoice Log and supporting invoice copy in binder 183 indicates that the full amount of the invoice was paid with no indication of a refund for the exception.

State whether a refund has been received and recorded.

- b. Exception amount found on cell P3963. The Master Invoice Log and supporting invoice copy in binder 182 indicates that the full amount of the invoice was paid with no indication of a refund for the exception.

State whether a refund has been received and recorded.

- c. Exception amount found on cell P3951. In addition, the Master Invoice Log does not indicate that the remaining balance of invoice 1958 was ever paid.

Please explain why it has not been paid or provide documentation of payment.

- d. Exception amount found on cell row 1576. In addition, the Master Invoice Log does not indicate that the remaining balance of invoice BC21029 after the exception removal was ever paid.

Please or explain why it has not been paid or provide documentation of payment.

- e. Exception amount found on cell P821.

- f. Exception amount found on cell P1400.

- g. Exception amount found on cell P1401.

- h. Exception amount found on cell P1572. The Master Invoice Log and supporting invoice copy in binder 112.0 indicates that the full amount of the invoice was paid with no indication of a refund for the exception.

State whether a refund has been received and recorded.

- i. Exception amount found on cell P1573. The Master Invoice Log and supporting invoice copy in binder 112.0 indicates that the full amount of the

invoice was paid with no indication of a refund for the exception. State whether a refund has been received and recorded.

- j. Exception amount found on cell P1593. In addition, the Master Invoice Log does not indicate that the remaining balance of invoice BC21034 after the exception removal was ever paid. Please provide copies of the proof on payment or explain why it has not been paid.
  - k. Exception amount found on cell P1625.
  - l. Exception amount found on cell P1685.
  - m. Exception amount found on cell P1801.
  - n. Exception amount found on cell P2144.
  - o. Exception amount found on cell P3573. In addition, the corresponding comments state that the amount paid was a duplicate payment matching the transaction amount paid on cell row 3566 with no indication of whether a refund was received for the exception duplicate invoice. State whether a refund has been received and recorded.
  - p. Exception amount on cell P2281. The exception for this invoice, along with several others for the same vendor, was reported to be journaled out of the storm account citing reference document number 0100051505. Explain how the Company determined that a portion of these invoices were not storm related.
  - q. Provide a copy of each entry to record each of the exceptions and provide a copy of all supporting documentation. If an entry was not performed to record a specific exception, explain the reasons why it was not and how that conformed to any Company policy that addresses recording such entries.
52. Refer to the "Hurricane Michael Master Log," specifically to the worksheet tab marked with Bates 62133 and to column J. The category "Expenses" appears to represent employee expense reimbursement costs. Explain where or how these costs were reflected in the cost categories on lines 4-11 on Exhibit MG-1 and identify the specific amount of these costs reflected in each such category.
53. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to invoice binder 123.0.
- a. Were the costs identified in these documents as storm related during the months of January through August 2019 included in the total costs shown in Exhibit MG-1?

- b. Describe the method and all criteria used by the Company to determine that invoices in binder 123.0 dated from January through August 2019 were storm related, especially those during the summer of 2019.
  - c. Describe the method and all criteria the Company used to determine that a portion of the 2019 binder 123.0 invoice costs were storm related (See e.g. Bates numbers 35887, 35892, 35900, 35904, 35908, and 35913-35914). In addition, identify specific examples from actual invoices that demonstrate the method and criteria the Company used to determine that a portion of the costs were storm related.
54. Refer to the Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to invoice binder T3.0 starting at Bates number 61176.
- a. Explain why there were no storm related costs for this vendor during the first quarter of 2019.
  - b. Why there were multiple invoices for costs defined as storm related during the months of June through July 2019?
  - c. Were the costs defined as storm related during the months of June through July 2019 included in the total costs shown in Exhibit MG-1?
  - d. Describe the method and all criteria the Company used to determine that the June through July 2019 invoices for this vendor were storm related.
55. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to invoice binder 155.0.
- a. Were the costs identified in these documents as storm related during the months of May and June 2019 included in the total costs shown in Exhibit MG-1?
  - b. Describe the method and all criteria the Company used to determine that binder 155 invoices for May and June 2019 were storm related.
56. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to invoice binder 66.0.
- a. Were the costs identified in these documents as storm related during the second quarter of 2019 included in the total costs shown in Exhibit MG-1?
  - b. Describe the method and all criteria the Company used to determine that binder 66.0 invoices for the second quarter of 2019 were storm related.

57. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to invoice binders 124.1 and 145.0.
- a. Were the costs identified in these documents as storm related during the second quarter of 2019 included in the total costs shown in Exhibit MG-1?
  - b. Describe the method and all criteria the Company used to determine that binders 124.1 and 145.0 invoices for the second quarter of 2019 were storm related.
58. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to invoice binders 10.0 and 100.0.
- a. Were the costs identified in these documents as storm related during the second quarter of 2019 included in the total costs shown in Exhibit MG-1?
  - b. Describe the method and all criteria the Company used to determine that binders 10.0 and 100.0 invoices for the second quarter of 2019 were storm related.
59. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to invoice binder 6.0. Refer also to the applicable contract pages provided in the confidential response to Gulf's response to POD 6 of OPC's First Request for Production of Documents.
- a. Were the costs identified in these documents as storm related to 2019 included in the total costs shown in Exhibit MG-1?
  - b. Describe the method and all criteria the Company used to determine that binder 6.0 invoices for 2019 were storm related.
  - c. Why were the contract labor and equipment rates charged for 16 hours per day 7 days per week (112 hours per week) starting in mid-December 2018 and during the 2019 months for two hydro vacuum excavation trucks, one pickup truck, and the related labor, understanding the basic work week assumed in Section V of the contract rates was 40 hours per week?
  - d. Describe the approval process for these invoices in order to verify the hours per week invoiced. If there was pre-approval of the 112 hours per week billing for the equipment and labor, please provide copies of such authorization.
  - e. The referenced invoices and associated contract pages provided in Gulf's response to POD 10 refer to the hourly billing rate for a pickup. Please describe the make, model, and features of the referenced pickup.



- f. The referenced invoices and the associated contract pages provided in Gulf's response to POD 10 refer to the hourly billing rate for two hydro vacuum trucks. Please describe the make and model of these two trucks.
  - g. Confirm that the equipment rates being charged on these invoices include the labor associated with the operators.
60. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to invoice binders 121.0, 125.0, 136.0, 141.0, and 124.2.
- a. Were the costs identified in these documents as storm related during all three quarters of 2019 included in the total costs shown in Exhibit MG-1?
  - b. Describe the method and all criteria the Company used to determine that binders 121.0, 125.0, 136.0, 141.0, and 124.2 invoices dated through July 2019 were storm related.
  - c. Why were this vendor's invoices split among so many separate invoice binders?
61. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to invoice binders 18.0 and 18.1.
- a. Were the costs identified in these documents as storm related during the first two quarters of 2019 included in the total costs shown in Exhibit MG-1?
  - b. Describe the method and all criteria the Company used to determine that invoices in binders 18.0 and 18.1 dated through June 2019 were storm related.
62. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to invoice binder T3.1.
- a. Were the costs identified in these documents as storm related during the first two quarters of 2019 included in the total costs shown in Exhibit MG-1?
  - b. Describe the method and all criteria the Company used to determine that the invoices from this vendor in binder T3.1 through June 2019 were classified as storm related.
63. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to invoice binders 42.0, 50.0, and 102.0.
- a. Were the costs identified in these documents as storm related during the first three quarters of 2019 included in the total costs shown in Exhibit MG-1?

- b. Describe the method and all criteria the Company used to determine that 2019 invoices in binders 42.0, 50.0, and 102.0 through July 2019 were storm related.
- 64. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to invoice binders 9.0, 85.0, and 144.0.
  - a. Were the costs identified in these documents as storm related during the first two quarters of 2019 included in the total costs shown in Exhibit MG-1?
  - b. Describe the method and all criteria the Company used to determine that 2019 invoices in binders 9.0, 85.0, and 144.0 dated through June 2019 were storm related.
- 65. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically invoice binder 88.0. There are multiple invoices for rooms reserved/booked for days in November 2018, December 2018, and January 2019 even when no one stayed in the rooms.
  - a. For each of the invoices related to charges during these three months, please identify the dates rooms were released back to the hotel and the number of rooms released and explain why the release(s) of the rooms occurred when it(they) did instead of at an earlier date.
  - b. Provide a description of the utilization, or lack thereof, of the hotel rooms invoiced, including all vendor names, during these three months.
  - c. Provide a copy of the purchase order(s) or other authorization(s) related to these invoices. If these documents have previously been provided in discovery, identify them by Bates number.
  - d. Explain why all of these rooms were booked for such a long time period.
- 66. Provide the Company's actual line contractor maintenance expense for each month October through December by FERC account for each year 2015, 2016, 2017, and 2018 with and without deferred storm expense.
- 67. Provide the Company's actual vegetation management contractor maintenance expense for each month October through December by FERC account for each year 2015, 2016, 2017, and 2018 with and without deferred storm expense.
- 68. Provide the Company's line maintenance expense, excluding contractor expense, for each month October through December by FERC account for each year 2015, 2016,

2017, and 2018 with and without deferred storm expense.

69. Provide the Company's vegetation management maintenance expense, excluding contractor expense, for each month October through December by FERC account for each year 2015, 2016, 2017, and 2018 with and without deferred storm expense.
70. Please provide the amount of actual vegetation management contractor management expense for each month during 2019, excluding any costs that were deferred and included in storm recovery requests.
71. Describe in detail how the Company records its line contractor cost and determines the portions that will be capitalized, charged to removal, and expensed, including, but not limited to, the determination whether there is a retirement unit constructed or replaced or a betterment; allocation of contractor costs between capitalized, removal, and expensed costs if the costs are not unique to one of those portions.
72. Refer to Bates page 40 in Gulf's response to POD6 in OPC's First Request for Production of Documents. The contract states that all hours will be billed at overtime rates for storm restoration. Explain why the Company agreed to this contract provision and why this contract provision is reasonable.
73. Refer to Bates page 64 in Gulf's response to POD6 in OPC's First Request for Production of Documents. The Company signed the contract on October 10, 2018, and the vendor signed the contract on October 9, 2018. Why was this contract not in place as part of the Company's emergency storm planning process instead of being signed when the storm was imminent with effects already affecting some service areas?
74. Refer to Gulf's response to POD 10 in OPC's First Request for Production of Documents, specifically invoice binders T3.0 (3 invoices) and 157.0. There are different hourly labor rates for this vendor for the various crews utilized. In addition, the hourly labor rates for the invoices for crews 035, 140, 224, and 023/550 are much higher, approximately double, than the rates for similar positions on the invoices for all other crews (i.e.- invoice 123754 in binder 157 and invoice 124995J in binder T3). Explain why there are different hourly rates for labor billed out for the various crews and why the invoices for crews 035, 140, 224, and 023/550 have hourly labor rates so much higher than for the other crews.
75. Refer to Gulf's response to POD 10 in OPC's First Request for Production of Documents, specifically to invoice binder 100.0. Refer also to Bates numbered pages 001265-001267 of Gulf's response to POD 6 in OPC's First Request for Production of Documents, which provides the contract rate pages for this vendor, but not the full contracts. The straight time rates matched for 2018 and 2019 for all work invoiced. For some of the crews in October and November 2018, overtime rates were charged

while for other crews only straight time rates were charged. Overtime rates were charged for all crews starting in December 2018. Explain why this occurred and why the apparent billing discrepancy is appropriate. In addition, explain why a change in billing occurred starting in 2018 to charge overtime rates for all crews. An example of each type of invoice is referenced below as located in invoice binder 100.0 based on the vendor's invoice numbers.

Invoice# 2964

Bates 031102

Invoice# 3028

Bates 031077

76. Refer to Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to Gulf's response to POD 10 in OPC's First Request for Production of Documents invoice binder 100.0. Refer also to Bates numbered pages 001265-001267 of Gulf's response to POD 6 in OPC's First Request for Production of Documents, which provides the contract rate pages for this vendor, but not the full contracts. The billing rates on the invoices changed to the 2019 rates per the contract pages starting in December 2018 for all December invoices after the week ending 12/1/2018. Explain why this occurred and specifically why the change before 2019 is appropriate. Two examples of such invoices are referenced below as located in invoice binder 100.0 based on the vendor's invoice numbers.

Invoice# 3149

Bates 030962

Invoice# 3228

Bates 030981

Respectfully submitted,

J. R. Kelly  
Public Counsel

*s/ Thomas A. (Tad) David*  
Thomas A. (Tad) David  
Associate Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
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Attorneys for the Citizens  
of the State of Florida

**AFFIDAVIT**

STATE OF FLORIDA)

COUNTY OF \_\_\_\_\_)

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_, who is personally known to me, and he/she acknowledged before me that he/she provided the answers to interrogatory number(s) \_\_\_\_\_ from CITIZENS' AMENDED SECOND SET OF INTERROGATORIES TO GULF POWER COMPANY FLORIDA (NOS. 36-76) in Docket No. 20190038-EI, and that the responses are true and correct based on his/her personal knowledge.

In Witness Whereof, I have hereunto set my hand and seal in the State and County aforesaid as of this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Notary Public  
State of Florida, at Large

My Commission Expires:

\_\_\_\_\_

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20190038-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 13<sup>th</sup> day of May 2020, to the following:

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s/ Thomas A. (Tad) David  
Thomas A. (Tad) David  
Associate Public Counsel  
Florida Bar No. 076868

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Michael, by Gulf Power Company.

DOCKET NO.: 20190038-EI

FILED: May 13, 2020

Nunc pro tunc February 20, 2020

**CITIZENS' AMENDED SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO GULF POWER COMPANY (NOS. 23-32)**

Pursuant to section 350.0611(1), Florida Statutes (“F.S.”), Rule 28-106.206, Florida Administrative Code (“F.A.C.”), and Rule 1.350, Florida Rule of Civil Procedure, the Citizens of the State of Florida (“Citizens”) through the Office of Public Counsel (“OPC”), request Gulf Power Company (“Gulf” or “Company”) to produce the following documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, or at such other mutually agreed place, on or before June 12, 2020. **In lieu of hard copy responses, OPC requests that the Company provide the responses electronically as described below in the Instructions.**

**DEFINITIONS**

As used herein, the following words shall have the meanings indicated:

“You,” “your,” “Company,” or “Gulf” refers to Gulf Power Company, its employees, consultants, agents, representatives, attorneys of the Company, and any other person or entity acting on behalf of the Company. “Parent” means the holding company or parent of the Florida regulated Company. “Affiliate” means the affiliate or sister companies regulated in Florida or which are regulated by, or operate primarily in, another jurisdiction.

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software. The terms “document” and “documents” are meant to have the broadest possible meaning under applicable law and includes, but is not necessarily limited to, any written, recorded, filmed or graphic matter, whether produced,

reproduced, or on paper, e-mail, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, all drafts, memoranda, notes, minutes, records, photographs, correspondence, communications, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.

### **INSTRUCTIONS**

1. If any document is withheld under any claim to privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.
2. Responsive documents available in an electronic format shall be provided in their native, Windows-compatible, electronic format; a searchable portable document format (.pdf); or, if scanned, in a searchable, Optical Character Recognition (“OCR”) .pdf, unless the parties have reached a specific agreement in advance for production of the documents in a different, agreed-upon format or medium. OPC requests that responses for each production of document request be provided in separate electronic folders that include the documents responsive to the request.
3. If you have possession, custody, or control of the original of the documents requested, please produce a copy of the originals and all versions that are different in any way from the original, whether by interlineation, receipt stamp or notation. If you do not have possession, custody, or control of the originals of the documents requested, please produce a copy of the version(s) in your possession, custody, or control, however, made.
4. In providing documents, the Company, is requested to furnish all documents or items in its physical possession or custody, as well as those materials under the physical possession, custody or control of any other person acting or purporting to act on behalf of the Company or any of the employees or representatives, whether as an agent, independent contractor, attorney, consultant, witness, or otherwise, of the Company.



5. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be constructed to be outside the scope.
6. Please provide all responses that include workpapers, data, calculations and spreadsheets in non-password protected and executable Windows-compatible computer program/models/software. Formulae, links, and cells, formatting, metadata and any other original features assisting in calculation should be intact. For example, Excel documents and documents of a similar format shall be produced in their native electronic format, with all spreadsheets, formulas, and links unlocked and intact. To the extent the data requested does not exist in the form requested, please notify the undersigned counsel so that the parties can confer to reach a resolution for timely production.
7. Pursuant to the Commission’s order establishing procedure, each page of every document produced pursuant to requests for production of documents shall be identified individually through the use of a Bates Stamp or other equivalent method of sequential identification.
8. If a document is responsive to a request to produce but cannot be located (original or copy), fully describe the document, its contents, and its last known location to the fullest extent possible.

## **PRODUCTION OF DOCUMENTS**

23. Refer to the Excel spreadsheet titled Attachment 1 to Gulf's response to POD 1 in OPC's First Request for Production of Documents. Please provide a copy of this workbook with all formulas intact. In the previously produced version of the workbook, many of the cells are values and the formulas are missing. If formulas are not available, then provide supporting Excel spreadsheets and/or a copy of all other source documents relied upon for these amounts.
24. Refer to the "Hurricane Michael Master Log" produced as part of Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to the tab marked with Bates number 62134" with the amount for Materials and the associated footnote. Please provide a similar summary of all invoices for Materials that sum to the \$29.957 million included on Line 9 on Page 1 of Exhibit MG-1 to the testimony of Mitchell Goldstein. In addition, please provide copies of all invoices for Materials that sum to the \$29.957 million included on Line 9 of Exhibit MG-1.
25. Provide a copy of all internal or external reports, emails, memorandum, or other documents created or produced by the Company that relate in any way to the classification of contractor costs incurred after November 2018 as Hurricane Michael storm costs.
26. Provide copies of all general ledger detail from both Oracle and SAP from October 1, 2018, to the present for the account 186 subaccount(s) that show all of the transactions posting to the subaccounts related to Hurricane Michael storm costs.
27. Refer to Gulf's response to POD 10 in OPC's First Request for Production of Documents specifically to invoice binder 3.0 and refer also to the contract pages located in Gulf's response to POD 6 in OPC's First Request for Production of Documents related to this same vendor. The applicable hourly rate sheets do not appear to be included in Gulf's response to POD 6. Provide Bates number and PDF page number references to the pages containing contract hourly rate amounts in Gulf's response to POD 6 listing the applicable contract rates for binder 3.0. If Gulf has not already provided these documents, please supplement the response to the First Set of PODs.
28. Refer to Gulf's response to POD 10 in OPC's First Request for Production of Documents specifically to binder 157.0, and refer also to the contract pages located in Gulf's response to POD 6 in OPC's First Request for Production of Documents related to this same vendor. The contract pages in Gulf's response to POD 6 include the hourly equipment rates used on all the invoices for this vendor, but the applicable hourly rates for labor on the invoices for this vendor for the various crews are not included. Provide Bates number and PDF page number references to the pages containing contract hourly rate amounts used on the invoices in Gulf's response to POD 6 listing the applicable

contract rates for each of the various crews in binder 157.0. If Gulf has not already provided these documents, please supplement the response to the First Set of PODs.

29. Refer to Gulf's response to POD10 in OPC's First Request for Production of Documents specifically to binder 67.0, and refer also to the contract pages located in Gulf's response to POD 6 in OPC's First Request for Production of Documents related to this same vendor. The contract pages that appear in Gulf's response to POD 6 provide the hourly labor and equipment rates applicable for this vendor but do not match the rates invoiced for many of the line items in the invoicing. Provide Bates number and PDF page number references to the pages containing the correctly applicable contract hourly rate amounts used on the invoices in Gulf's response to POD 6 listing the contract rates used for invoices for binder 67.0. If Gulf has not already provided these documents, please supplement the response to the First Set of PODs. Otherwise, explain in detail why the rates do not match.
30. Refer to Gulf's response to POD 10 in OPC's First Request for Production of Documents specifically to binder 17.0 and refer also to the contract pages located in Gulf's response to POD 6 of OPC's First Request for Production of Documents related to this same vendor. The contract pages in Gulf's response to POD 6 include the hourly labor and equipment rates for a number of the various crews for the invoices for this vendor included in binder 17.0, but some of the applicable contract rates for labor and the equipment for some crews are not included. Examples of some invoices for various crews contained in binder 17.0 are listed below. Provide Bates number and PDF page number reference to the pages containing correctly applicable contract hourly rates listed in the invoices in Gulf's response to POD 6. If Gulf has not already provided these documents, please supplement the response to the First Set of PODs.

Invoice# CAR-DUF183-31	Bates 006576
Invoice# CAR-DOF183-58	Bates 006742 - 43
Invoice#GPC-DOF-183-49	Bates 006737 - 38

31. Refer to Gulf's response to POD 10 in OPC's First Request for Production of Documents, specifically to invoice binder 60.0 and refer also to the contract pages located in Gulf's response to POD 6 in OPC's First Request for Production of Documents related to the vendor(s) at Bates numbers 001280-001286. In addition, please provide Bates number and PDF page number references to the pages containing the contract hourly rate amounts listed on the invoices in Gulf's response to POD 6 in binder 60.0. If Gulf has not already provided these documents, please supplement the response to the first Set of PODs.
32. Refer to Gulf's response to POD 10 in OPC's First Request for Production of Documents, specifically to invoice binder 94.0, and refer also to the contract pages located in Gulf's response to POD 6 in OPC's First Request for Production of Documents related to this

same vendor. The contract pages in Gulf's response to POD 6 include the hourly labor and equipment rates for the overhead portion of the distribution services, but are not included in the underground portion. Examples of two invoices contained in binder 94.0 are listed below. Provide Bates number and PDF page number references to the pages containing contract hourly rate amounts listed on the invoices in Gulf's response to POD 6 which show the underground contract rates for the vendor. If not already provided, please supplement the response.

Invoice# 249497

Bates 029312-13

Invoice# 242407

Bates 029364-65

Respectfully submitted,

J. R. Kelly  
Public Counsel

/s/ Thomas A. (Tad) David

Thomas A. (Tad) David  
Associate Public Counsel

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Tallahassee, FL 32399-1400

Attorneys for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20190038-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 13<sup>th</sup> day of May 2020, to the following:

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*/s/ Thomas A. (Tad) David*  
Thomas A. (Tad) David  
Associate Public Counsel  
Florida Bar No. 076868

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Michael, by Gulf Power Company.

DOCKET NO.: 20190038-EI

FILED: May 13, 2020

Nunc pro tunc March 20, 2020

**CITIZENS' AMENDED THIRD SET OF INTERROGATORIES TO GULF POWER COMPANY (NOS. 77-88)**

Pursuant to section 350.0611(1), Florida Statutes (“ F.S.”), Rule 28-106.206, Florida Administrative Code (“F.A.C.”), and Rule 1.340, Florida Rules of Civil Procedure, the Citizens of the State of Florida (“Citizens”), through the Office of Public Counsel (“OPC”), propound the following interrogatories to Gulf Power Company (“Gulf” or “Company”), to be answered on or before June 12, 2020. These interrogatories shall be answered under oath by the Company or its agent, who is qualified and who will be identified. As provided by Rule 1.340(a), Florida Rules of Civil Procedure, each interrogatory shall be answered separately and fully in writing under oath unless it is objected to. Each answer shall be signed by the person making it. Please supply the name, address, and relationship to the Company of those persons providing the answers to each of the following interrogatories

To the extent the Company provides documents in response to an interrogatory, Citizens request that, in lieu of hard copy responses, the Company provide the documents electronically as described below in the Instructions. To the extent the Company provides electronic documents on a removable drive or disk, Citizens request the Company produce the drive or disk at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400.

**DEFINITIONS**

As used herein, the following words shall have the meanings indicated:

“You,” “your,” “Company,” or “Gulf” refers to Gulf Power Company, its employees, consultants, agents, representatives, attorneys of the Company, and any other person or entity action on behalf of the Company. “Parent” means the holding company or parent of the Florida

regulated Company. “Affiliate” means the affiliates or sister companies regulated in Florida or which are regulated by, or operate primarily in, another jurisdiction.

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software.

“Identify” means:

- (a) With respect to a person, to state the person’s name, address and business relationship (e.g., “employee”) to the Company;
- (b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical, or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

“Explain” means to give the details of the outcome, inputs, process, conditions, circumstances, etc. that are related, directly or indirectly, to the subject of the interrogatory. This includes, but is not limited to, the purpose or intent of any process or undertaking that is the subject of or responsive to the interrogatory.

“Provide” means the response must contain all information accessible to the Company that is related, directly or indirectly, to the subject of the interrogatory.

### **INSTRUCTIONS**

1. To the extent an interrogatory calls for information which cannot now be precisely and completely furnished, such information as can be furnished should be included in the answer, together with a statement that further information cannot be furnished, and a statement as to the reasons therefore. If you expect to obtain further information between the time answers are served and the time of hearing, you are requested to state this fact in each answer. If the information which cannot now be furnished is believed to be available to another person, identify such other person and the reasons for believing such person has the described information.
2. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring

within the scope of this discovery request any response which might otherwise be constructed or construed to be outside the scope.

3. In the event any interrogatory herein calls for information or documents which you deem to be privileged, in whole or in part, you shall
  - (a) make the claim expressly and specify the grounds relied upon for the claim of privilege,
  - (b) produce the information or documents in redacted form, and
  - (c) to the extent any information or documents are withheld, you shall identify and describe the nature of each document not disclosed and each redacted provision in a manner that will enable other parties to assess the applicability of the privilege or protection.
4. Documents or reports to be identified shall include all documents in your possession, custody and control and all other documents of which you have knowledge. If a document is produced in response to an interrogatory, please produce a copy of the original and all versions that are different in any way from the original, whether by interlineation, receipt stamp or notation. If you do not have possession, custody, or control of the originals of the documents requested, please produce a copy of the version(s) in your possession, custody, or control, however, made.
5. Separate answers shall be furnished for each interrogatory, although where the context permits, an interrogatory may be answered by reference to the answer furnished to another interrogatory.
6. For each interrogatory, identify the name, address, telephone number and position of the person responsible for providing the answer.
7. Responsive documents available in an electronic format shall be provided in their native, Windows-compatible, electronic format; a searchable portable document format (.pdf); or, if scanned, in a searchable, OCR (Optical Character Recognition (“OCR”)) searchable .pdf format, unless the parties have reached a specific agreement in advance for production of the



documents in a different, agreed-upon format or medium. OPC requests that responses for each production of document request be provided in separate electronic folders that include the documents responsive to the request.

Please provide all responses to these interrogatories that include workpapers, data, calculations and spreadsheets in non-password protected and executable Windows-compatible computer program/models/software. Formulae, links, and cells, formatting, metadata and any other original features assisting in calculation should be intact. For example, Excel documents and documents of a similar format shall be produced in their native electronic format, with all spreadsheets, formulas, and links unlocked and intact. To the extent the data requested does not exist in the form requested, please notify the undersigned counsel so that the parties can confer to reach a resolution for timely production.

## INTERROGATORIES

77. Refer to the confidential response to POD 10 in OPC's First Request for Production of Documents and further to at least 12 separate invoice binders (1.0, 40.0, 62.0, 64.0, 65.0, 104.0, 121.0, 125.0, 132.0, 136.0, 141.0, and 124.0-2). The different binders contain invoices for the same crews. Please explain why so many different invoice binders were utilized for this one vendor.
78. Refer to the confidential response to POD 10 in OPC's First Request for Production of Documents and further to invoice binder 14.0, specifically to the labor billing portions for three crews for the date of Monday, October 15, 2018, located on Bates pages 004592-95. The last three pages of the referenced pages shows that the time for three crews for this date, not a holiday, was billed at double time rates instead of overtime rates even though the billings for numerous other crews were billed at overtime rates only for the same date. Please indicate whether the labor for this day was overbilled and whether an exception was ever settled for it. No exceptions are listed for the March 18, 2019 rebilling of this invoice (See Bates pages 004404-05). If an exception was granted for this apparent overbilling, please provide proof and a quantification of such. If not, so state.
79. Refer to the confidential response to POD 10 in OPC's First Request for Production of Documents for invoice binder 42.0, specifically to Bates pages 011735 – 37 showing invoice number 113570 from this vendor. The invoice amount is \$30,336.14. Refer also to the "Hurricane Michael Master Log" produced as part of Gulf's response to POD 10 of OPC's First Request for Production of Documents, specifically to the tab labelled "Total Storm Costs" and to cells O4204 and S4204 showing a different invoice amount and paid amount. Please explain the discrepancy and indicate whether the invoice amount or the higher payment amount was included in the total cost recovery request.
80. Refer to the Company's response to POD 9 in OPC's First Request for Production of Documents, which requested the expense associated with line contractors providing day-to-day service embedded in base rates. What was the amount of the expense reflected in the Company's cost of service study in the most recent rate case?
81. Refer to the Company's response to POD 11 in OPC's First Request for Production of Documents, which requested the expense associated with vegetation management contractors providing day-to-day service embedded in base rates. What was the amount of the expense reflected in the Company's cost of service study in the most recent rate case?
82. Refer to the confidential response to POD 10 in OPC's First Request for Production of Documents for invoice binder 115.0, specifically to Bates pages 034973-76 showing the

split of straight-time and overtime hours billed by the vendor. Please explain why the amount of straight-time hours were so small in each of the two weeks and provide the basis for the number of straight-time hours in each before overtime began.

83. Refer to the confidential response to POD 10 in OPC's First Request for Production of Documents for invoice binder 99.0, specifically to Bates pages 030416-27 showing the split of straight-time and overtime hours billed by the vendor for a number of crews. Please explain why the amount of straight-time hours was so small for this week and provide the basis for the number of straight-time hours before overtime began.
84. Refer to the Company's response to POD 13 in OPC's First Request for Production of Documents, which sought to determine how the Company determines whether rates charged by line contractors and vegetation management contractors are reasonable. Describe in detail how the Company's procurement process determines whether contractor rates for labor and equipment are reasonable and provide a copy of all policies and procedures that address this process. This request includes Company offers to contractors to pay overtime rates for 16 hours per day, hourly equipment rates for 16 hours per day in lieu of daily rates, and specifically how it assesses whether those contract rates are reasonable. In addition, describe whether, and if so, how, the Company's need to acquire additional contractors during the week of the storm impacted those contract rates, if at all.
85. What was the straight-time payroll charged to distribution and transmission (separately for each function) expense by O&M and A&G expense account and payroll tax expense account and provide the straight-time payroll costs, including loadings, charged to deferred storm costs for each month January 2014 through December 2019?
86. What was the overtime payroll charged to distribution and transmission expense by O&M and A&G and payroll tax expense account and provide the overtime payroll costs, including loadings, charged to deferred storm costs for each month January 2014 through December 2019?
87. What was the straight-time payroll amount charged to distribution and transmission (separately for each function) expense by O&M and A&G expense account and payroll tax expense account reflected in the Company's cost of service study in the most recent rate case? This includes the O&M expenses, benefit loadings included in A&G expenses, and payroll tax expenses.
88. What was the amount of the overtime payroll charged to distribution and transmission (identify separately for each function) expense by O&M and A&G expense account and payroll tax expense account reflected in the Company's cost of service study in the most

recent rate case? This includes the O&M expenses, benefit loadings included in A&G expenses, and payroll tax expenses.

Respectfully submitted,

J. R. Kelly  
Public Counsel

*s/ Thomas A. (Tad) David*  
Thomas A. (Tad) David  
Associate Public Counsel

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Attorneys for the Citizens  
of the State of Florida

**AFFIDAVIT**

STATE OF FLORIDA)

COUNTY OF \_\_\_\_\_)

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_, who is personally known to me, and he/she acknowledged before me that he/she provided the answers to interrogatory number(s) \_\_\_\_\_ from CITIZENS' AMENDED THIRD SET OF INTERROGATORIES TO GULF POWER COMPANY FLORIDA (NOS. 77-88) in Docket No. 20190038-EI, and that the responses are true and correct based on his/her personal knowledge.

In Witness Whereof, I have hereunto set my hand and seal in the State and County aforesaid as of this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Notary Public  
State of Florida, at Large

My Commission Expires:  
\_\_\_\_\_

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20190038-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Citizens' Amended Third Set of Interrogatories (Nos. 77-88) to Gulf Power Company has been furnished by electronic mail on this 13<sup>th</sup> day of May 2020, to the following:

Beggs Law Firm  
Steven R. Griffin  
P.O. Box 12950  
Pensacola, FL 32591  
srg@beggsllane.com

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Public Service Commission  
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Shaw Stiller  
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wtrierwe@psc.state.fl.us

s/ Thomas A. (Tad) David  
Thomas A. (Tad) David  
Associate Public Counsel  
Florida Bar No. 076868

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Michael, by Gulf Power Company.

DOCKET NO.: 20190038-EI

FILED: May 13, 2020,  
Nunc pro tunc March 20, 2020

**CITIZENS' AMENDED THIRD REQUEST FOR PRODUCTION OF DOCUMENTS TO GULF POWER COMPANY (NOS. 33-41)**

Pursuant to section 350.0611(1), Florida Statutes (“F.S.”), Rule 28-106.206, Florida Administrative Code (“F.A.C.”), and Rule 1.350, Florida Rule of Civil Procedure, the Citizens of the State of Florida (“Citizens”) through the Office of Public Counsel (“OPC”), request Gulf Power Company (“Gulf” or “Company”) to produce the following documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, or at such other mutually agreed place, on or before June 12, 2020. **In lieu of hard copy responses, OPC requests that the Company provide the responses electronically as described below in the Instructions.**

**DEFINITIONS**

As used herein, the following words shall have the meanings indicated:

“You,” “your,” “Company,” or “Gulf” refers to Gulf Power Company, its employees, consultants, agents, representatives, attorneys of the Company, and any other person or entity acting on behalf of the Company. “Parent” means the holding company or parent of the Florida regulated Company. “Affiliate” means the affiliate or sister companies regulated in Florida or which are regulated by, or operate primarily in, another jurisdiction.

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software. The terms “document” and “documents” are meant to have the broadest possible meaning under applicable law and includes, but is not necessarily limited to, any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, e-mail, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, all drafts, memoranda,

notes, minutes, records, photographs, correspondence, communications, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.

### **INSTRUCTIONS**

1. If any document is withheld under any claim to privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.
2. Responsive documents available in an electronic format shall be provided in their native, Windows-compatible, electronic format; a searchable portable document format (.pdf); or, if scanned, in a searchable, Optical Character Recognition (“OCR”) .pdf, unless the parties have reached a specific agreement in advance for production of the documents in a different, agreed-upon format or medium. OPC requests that responses for each production of document request be provided in separate electronic folders that include the documents responsive to the request.
3. If you have possession, custody, or control of the original of the documents requested, please produce a copy of the originals and all versions that are different in any way from the original, whether by interlineation, receipt stamp or notation. If you do not have possession, custody, or control of the originals of the documents requested, please produce a copy of the version(s) in your possession, custody, or control, however, made.
4. In providing documents, the Company, is requested to furnish all documents or items in its physical possession or custody, as well as those materials under the physical possession, custody or control of any other person acting or purporting to act on behalf of the Company or any of the employees or representatives, whether as an agent, independent contractor, attorney, consultant, witness, or otherwise, of the Company.
5. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be



constructed to be outside the scope.

6. Please provide all responses that include workpapers, data, calculations and spreadsheets in non-password protected and executable Windows-compatible computer program/models/software. Formulae, links, and cells, formatting, metadata and any other original features assisting in calculation should be intact. For example, Excel documents and documents of a similar format shall be produced in their native electronic format, with all spreadsheets, formulas, and links unlocked and intact. To the extent the data requested does not exist in the form requested, please notify the undersigned counsel so that the parties can confer to reach a resolution for timely production.
7. Pursuant to the Commission's order establishing procedure, each page of every document produced pursuant to requests for production of documents shall be identified individually through the use of a Bates Stamp or other equivalent method of sequential identification.
8. If a document is responsive to a request to produce but cannot be located (original or copy), fully describe the document, its contents, and its last known location to the fullest extent possible.

## **PRODUCTION OF DOCUMENTS**

33. Refer to the confidential response to POD 10 in OPC's First Request for Production of Documents for invoice binder 45.0, specifically to Bates pages 012335-37 and 012411-61 as examples of hourly labor billing for this vendor showing that all time is billed at overtime or double time rates. Refer also to the contract pages located in the confidential response to POD 6 in OPC's First Request for Production of Documents related to this vendor at Bates pages 001377-78. The contract pages provided state that the extended time (overtime) multiplier is applicable to hours paid over 40 hours in one week. Provide all documents that show the authorization or requirement to pay this vendor for all hours at overtime or double time rates. If none, so state.
  
34. Refer to the confidential response to POD 10 in OPC's First Request for Production of Documents for invoice binder 1.0, specifically to Bates pages 001860-61 and 001865-66 as examples of two different sets of hourly labor billing for this vendor. Similar invoices for this vendor appearing to use the same billing rates are also included in numerous other invoice binders. Refer also to the contract pages located in the confidential response to POD 6 in OPC's First Request for Production of Documents related to this vendor at Bates pages 001407-20, in which the labor rates do not appear to match the rates included in the invoice detail while the equipment billing rates do appear to match. Provide or reference all pages in the response to POD 6 in OPC's First Request for Production of Documents that show the contract rates for the two referenced invoices included in binder 1.0.
  
35. Refer to the confidential response to POD 10 in OPC's First Request for Production of Documents for invoice binder 156.0. Refer also to the response to POD 10 in OPC's First Request for Production of Documents, specifically to the tab marked with Bates number 62133 at row 1432 in the attached confidential file named "Hurricane Michael Master Log". This log references an invoice with an invoice date of 6/17/2019. The invoice binder referenced for this invoice, number 156.0, does not appear to include a copy of this invoice or associated contract or quote. Finally, refer to the contract pages located in the confidential response to POD 6 in OPC's First Request for Production of Documents, which do not appear to include any reference to this vendor. Provide or reference all pages

of the referenced invoice and contract/quote in the response to POD 6 and/or POD 10 in OPC's First Request for Production of Documents that relate to or reference this vendor.

36. Refer to the confidential response to POD 10 in OPC's First Request for Production of Documents for invoice binder 115.0, specifically to Bates pages 034973 -76 showing hourly billing rates for equipment, and refer also to the contract pages located in the confidential response to POD 6 in OPC's First Request for Production of Documents related to this vendor at Bates pages 001715-18. Provide or specifically reference all documents that show or contain the contract billing amount(s) for this equipment.
37. Refer to the Company's response to POD 5 in OPC's First Request for Production of Documents. Provide copies of any storm-related procurement policies that address the timing of contractor acquisition, selection of contractors, use of standardized contract forms and/or terms, contract rates for labor, contract rates for equipment, and standard hours for labor and/or equipment, among other contract terms.
38. Refer to the Company's response to POD 9 in OPC's First Request for Production of Documents, which requested the expense associated with line contractors providing day-to-day service embedded in base rates. Provide a copy of the schedules and/or workpapers relied upon to calculate the amount of the expense reflected in the Company's cost of service study in the most recent rate case. (This amount should be the amount given in response to Interrogatory [80].)
39. Refer to the Company's response to POD 11 in OPC's First Request for Production of Documents, which requested the expense associated with vegetation management contractors providing day-to-day service embedded in base rates. Provide a copy of the schedules and/or workpapers relied upon to calculate the amount of the expense reflected in the Company's cost of service study in the most recent rate case. (This amount should be the amount given in response to Interrogatory [81].)
40. Provide a copy of the schedules and/or workpapers relied upon to calculate or inform the straight-time payroll amount charged to distribution and transmission (separately for each function) expense by O&M and A&G expense account and payroll tax expense account

reflected in the Company's cost of service study in the most recent rate case. (This amount should be the amount given in response to Interrogatory [79-87] and should include the O&M expenses, benefit loadings included in A&G expenses, and payroll tax expenses.)

41. Provide a copy of the schedules and/or workpapers relied upon to calculate or inform the amount of the overtime payroll charged to distribution and transmission (separately for each function) expense by O&M and A&G expense account and payroll tax expense account reflected in the Company's cost of service study in the most recent rate case. (This amount should be the amount given in response to Interrogatory [79-88] and should include the O&M expenses, benefit loadings included in A&G expenses, and payroll tax expenses.)

Respectfully submitted,

J. R. Kelly  
Public Counsel

s/ Thomas A. (Tad) David  
Thomas A. (Tad) David  
Associate Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Attorneys for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20190038-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Citizens' Amended Third Request for Production of Documents (Nos. 33-41) to Gulf Power Company has been furnished by electronic mail on this 13<sup>th</sup> day of May 2020, to the following:

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*s/ Thomas A. (Tad) David*  
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