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**Subject:** E-filings - Docket 110138-EI  
**Attachments:** Objections to OPCs 6th ROG.pdf

- a. Person responsible for this electronic filing:

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- b. Docket 110138-EI

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

- c. Document being filed on behalf of Gulf Power Company  
 d. There are 5 pages to Gulf's Objections  
 e. The document attached for electronic filing is Gulf's Objections to OPC's Sixth Interrogatories (Nos. 226-259)

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9/28/2011

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for increase in rates by Gulf  
Power Company.

Docket No. 110138-EI  
Dated: September 28, 2011

**GULF POWER COMPANY'S OBJECTIONS TO CITIZENS' SIXTH  
INTERROGATORIES TO GULF POWER (NOS. 226-259)**

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 Florida Citizens' ("OPC") Sixth Interrogatories to Gulf Power Company (Nos. 226-259, and together "the Requests") and states as follows:

**GENERAL OBJECTIONS**

With respect to any "Definitions" and "Instructions" in OPC'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 OPC'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. Information of affiliated companies, including the Southern Company, that is directly relevant to Gulf's rate request, including information regarding transactions or cost allocations among Gulf and its affiliated companies may be provided, upon request. Otherwise, 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 OPC's requests to the extent that they call for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law. Gulf will provide a privilege log in accordance with the applicable law or as may be agreed to by the parties to the extent, if at all, that any request calls for the production of privileged or protected information.

Further, in certain circumstances, Gulf may determine upon investigation and analysis that information responsive to certain requests to which objections are not otherwise asserted is confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to provide such information in response to such a request, Gulf is not waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement, protective order, or the procedures otherwise provided by law or in the Order Establishing Procedure. Gulf hereby asserts its right to require such protection of any and all information that may qualify for protection under the Florida Rules of Civil Procedure, the Order Establishing Procedure, and all other applicable statutes, rules and legal principles.

Gulf generally objects to OPC'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.

Gulf also objects to any request that calls for projected data or information beyond the year 2012 because such data or information is wholly irrelevant to this case and has no bearing

on this proceeding, nor is such data or information likely to lead to the discovery of admissible evidence.

Gulf further objects to any request that categorizes years 2010 and 2011 as “test years.” In this proceeding, there is a historic period (2010), a prior year (2011) and a test year (2012).

By making these general objections at this time, Gulf does not waive or relinquish its right to assert additional general and specific objections to OPC’s discovery at the time Gulf’s response is due under the Florida Rules of Civil Procedure and the Order Establishing Procedure. Gulf provides these general objections at this time to comply with the intent of the Order Establishing Procedure to reduce the delay in identifying and resolving any potential discovery disputes.

#### **SPECIFIC OBJECTIONS**

1. Gulf Power objects to interrogatory number 247 to the extent that it directs Gulf Power identify “all” accounts in which the costs identified in response to OPC interrogatory 56 are included. The substantial majority of these costs is included in a single account, which Gulf Power can and will identify. The remaining costs are assigned to a multitude of O&M and capital accounts based on SCS labor charges. Identifying these specific accounts and the amounts charged thereto would be unduly burdensome insofar as this would require hundreds of man hours to identify all SCS workorders billed to Gulf each year (hundreds if not thousands of workorders annually), identify which of those orders contain SCS labor charges, and from those workorders, isolate the system air component of the total corporate service cost which was billed. Once those amounts were identified, Gulf would then need to review each workorder and determine the specific accounts to which the orders were assigned.

Respectfully submitted this 28<sup>th</sup> day of September, 2011.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this 28th day of September, 2011 to all counsel of record as indicated below:

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