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Subject: E- filing - Docket 110138-EI
Attachments: Objections fo FEA's 1st Interrogatories to Gulf Power (Nos.1-47).pdf

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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 **FEA's First Set of Interrogatories** (Nos. 1-47)

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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: October 10, 2011

**GULF POWER COMPANY'S OBJECTIONS TO FEA'S FIRST
INTERROGATORIES TO GULF POWER (NOS. 1-47)**

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 the Federal Executive Agencies' ("FEA") First Interrogatories to Gulf Power Company (Nos. 1-47, and respectively, and together "the Requests") and states as follows:

GENERAL OBJECTIONS

With respect to any "Definitions" and "Instructions" in FEA's Interrogatories, Gulf objects to any definitions or instructions that are inconsistent with Gulf's discovery obligations under applicable rules. Gulf specifically objects to the general instructions to the extent that they direct Gulf file objections to discovery within 10 days and to the extent that they direct Gulf to update or supplement responses. Neither instruction is consistent with the Order Establishing Procedure or the Florida Rules of Civil Procedure. If some question arises as to Gulf's discovery obligations, Gulf will comply with applicable rules and not with any of FEA's definitions or instructions 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 FEA'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 FEA'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.

By making these general objections at this time, Gulf does not waive or relinquish its right to assert additional general and specific objections to FEA'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

Interrogatory 17: Gulf Power objects to this interrogatory to the extent that it directs Gulf to update its response "as new information becomes available." According to Rule 1.280(e), Florida Rules of Civil Procedure, "[a] party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement the response to include information thereafter acquired."

Interrogatory 39: Gulf Power objects to this interrogatory to on the ground that it directs Gulf to perform a study which does not exist and which Gulf Power would not otherwise perform in the ordinary course of business. Such a request exceeds Gulf's discovery obligations under Rule 1.340, Florida Rules of Civil Procedure.

Respectfully submitted this 10th day of October, 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 10th day of October, 2011 to all counsel of record as indicated below:

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