

Shawna Senko

From: Mary Davis <MD@beggslane.com>
Sent: Tuesday, September 10, 2013 4:34 PM
To: Filings@psc.state.fl.us
Cc: Caroline Klancke; Charles Guyton (cguyton@gunster.com); Charles Murphy; Charles Rehwinkel (Rehwinkel.Charles@leg.state.fl.us); Christopher Thompson (christopher.thompson.5@us.af.mil); Gregory J. Fike, Lt Col. USAF; J. R. Kelly (kelly.jr@leg.state.fl.us); Jeffrey Stone; Jon Moyle (jmoyle@moylelaw.com); Joseph McGlothlin (mcglothlin.joseph@leg.state.fl.us); Karen A. Putnal kputnal@moylelaw.com; Martha Barrera; Rick Melson (rick@rmelsonlaw.com); Russell Badders; Steven R. Griffin; Suzanne Brownless; Thomas Jernigan (thomas.jernigan@us.af.mil)
Subject: E-filing - Docket 130140-EI
Attachments: Objections to OPC 3rd POD.pdf

- A. Person responsible for this electronic filing:
Steven R. Griffin
Beggs & Lane
Post Office Box 12950
501 Commendencia Street
Pensacola, FL 32576-2950
(850)432-2451
srg@beggslane.com
- B. Docket No. 130140-EI –Petition for Rate Increase by Gulf Power Company
- C. Document being filed on behalf of Gulf Power Company
- D. Document consists of 6 pages.
- E. The document attached for electronic filing is Gulf Power Company's Objections to Citizens' Third Request for Production of Documents (Nos. 67-73)

Thank you for your attention and assistance in this matter.

Mary E. Davis

Assistant to Jeffrey A. Stone, Russell A. Badders,
And Steven R. Griffin
Beggs & Lane, RLLP
501 Commendencia Street
Pensacola, FL 32502
Phone: (850) 432-2451 | Fax: (850) 469-3331
md@beggslane.com | beggslane.com



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 130140-EI
Dated: September 10, 2013

**GULF POWER COMPANY'S OBJECTIONS TO CITIZENS' THIRD REQUEST
FOR PRODUCTION OF DOCUMENTS (NOS. 67-73)**

Pursuant to Fla. Admin. Code R. 28-106.206, Rule 1.350 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, Gulf Power Company ("Gulf") hereby serves its objections to Florida Citizens' ("OPC") Third Request for Production of Documents (Nos. 67-73, and respectively, and together ("the Requests")) and states as follows:

GENERAL OBJECTIONS

With respect to any "Definitions" and "Instructions" in OPC's Requests for Production, Gulf objects to any definitions or instructions that are inconsistent with Gulf's discovery obligations under applicable rules. If some question arises as to Gulf's discovery obligations, Gulf will comply with applicable rules and not with any of OPC's definitions that are inconsistent with those rules. Gulf also objects to any request that calls for documents to be produced from the files of Gulf's counsel in this matter because such documents are privileged and are otherwise not within the scope of discovery under the applicable rules and law. Furthermore, Gulf objects to any definition or request that seeks to encompass persons or entities other than Gulf who are not parties to this action and thus are not subject to discovery. Records of affiliated companies, including The Southern Company, that are directly relevant to Gulf's rate request, including records 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 also objects to OPC's request that Gulf provide documents in a specific electronic format. Gulf will produce electronic data in its

native format. Non-electronic documents will be scanned and produced in PDF format. However, Gulf objects to OPC's request to produce documents in an OCR searchable format on the grounds that doing so would be unduly burdensome and otherwise beyond Gulf's discovery obligations under applicable law. Furthermore, Gulf objects to any request that calls for Gulf to create documents that it otherwise does not have 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 documents protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law. Gulf will provide a privilege log in accordance with the applicable law or as may be agreed to by the parties to the extent, if at all, that any document request calls for the production of privileged or protected documents.

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

Gulf generally objects to OPC's Requests for Production to the extent that they call for the production of "all" documents of any nature, including, every copy of every document responsive to the requests. Gulf will make a good faith, reasonably diligent attempt to identify and obtain responsive documents when no objection has been asserted to the production of such documents, but it is not practicable or even possible to identify, obtain, and produce "all" documents. In addition, Gulf reserves the right to supplement any of its responses to OPC's Request for Production if Gulf cannot produce documents immediately due to their magnitude and the work required to aggregate them, or if Gulf later discovers additional responsive documents in the course of this proceeding.

Gulf generally objects to each Request to the extent that it calls for information that is not relevant to this case. Where practical, Gulf has made efforts to redact irrelevant information with a notation regarding the nature of the redaction.

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

Request 71: Gulf objects to this request to the extent that it directs Gulf to “explain all assumptions and calculations used.” This directive is in the nature of an interrogatory and exceeds Gulf’s obligation under Rule 1.350 to produce responsive documents.

Request 72: Gulf objects to this request on the grounds that documents submitted to rate regulatory commissions other than the Florida Commission are not in Gulf’s possession, custody or control. Further, to the extent documents submitted to other rate regulatory commissions do not relate to Gulf, they are not relevant to the subject matter of this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

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Respectfully submitted this 10th day of September, 2013.

JEFFREY A. STONE
Florida Bar No. 325953
RUSSELL A. BADDERS
Florida Bar No. 007455
STEVEN R. GRIFFIN
Florida Bar No. 627569
Beggs & Lane
P. O. Box 12950
501 Commendencia Street
Pensacola, FL 32576-2950
(850) 432-2451

CHARLES A. GUYTON
Florida Bar No. 398039
Gunster, Yoakley & Stewart, P.A.
215 South Monroe Street, Suite 618
Tallahassee, FL 32301
(850) 521-1980

RICHARD D. MELSON
Florida Bar No. 201243
705 Piedmont Drive
Tallahassee, FL 32312
(850) 894-1351
Attorneys for Gulf Power Company

BY: s/ Steven R. Griffin
Steven R. Griffin
Fla. Bar No. 627569

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 September, 2013 to all counsel of record as indicated below:

Office of Public Counsel
J. R. Kelly/Joseph A. McGlothlin
c/o The Florida Legislature
111 W. Madison Street,
Room 812
Tallahassee, FL 32393-1400
Kelly.jr@leg.state.fl.us
mcglothlin.joseph@leg.state.fl.us

Florida Industrial Power
Users Group
Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law firm, P.A.
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com

Gunster Law Firm
Charles A. Guyton
215 S. Monroe St.,
Suite 618
Tallahassee, FL 32301
cguyton@gunster.com

Martha Barrera/Martha C. Brown/
Suzanne Brownless
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850
mbarrera@psc.state.fl.us
mbrown@psc.state.fl.us
sbrownle@psc.state.fl.us

Federal Executive
Agencies
c/o Lt Col Gregory J. Fike
AFLOA/JACL-ULFSC
139 Barnes Drive, Suite 1
Tyndall AFB, Florida
32403
gregory.fike@us.af.mil

Richard Melson
705 Piedmont Drive
Tallahassee, FL 32312
rick@rmelsonlaw.com

BY: s/ Steven R. Griffin
Steven R. Griffin
Fla. Bar No. 627569